

Tennessee Alarm Systems Contractors Board 10/18/18

**MINUTES** of the Tennessee Alarm Systems Contractors Board Declaratory Hearing held **August 23, 2018**, in Nashville Tennessee.



Vivian Hixson, Chair



Douglas Fraker



Lou Richard



William Scott Cockcroft



John Keith Harvey

**IN RE: ADAM JACKSON d/b/a EDGE AI**

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**TRANSCRIPT OF PROCEEDINGS**

**August 23, 2018**



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BEFORE THE ALARM SYSTEM CONTRACTORS BOARD  
AND DIVISION OF REGULATORY BOARDS  
TENNESSEE DEPARTMENT OF COMMERCE & INSURANCE  
AT NASHVILLE, TENNESSEE

In Re:

Petitioner: Docket No. 12.34-150695A  
Adam Jackson, d/b/a  
Edge AI.

BE IT REMEMBERED that the above-captioned cause  
came on for hearing, on this, the 23rd day of August,  
2018 before Administrative Law Judge Jerome Cochran, when and  
where the following proceedings were had, to wit:

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## P R O C E E D I N G S

(WHEREUPON, the above-captioned matter was heard by the Board as follows:)

ADMINISTRATIVE JUDGE: Mr. Huffman?

MR. HUFFMAN: Yes, sir.

ADMINISTRATIVE JUDGE: Okay. And Mr. -- is it Boucek?

MR. BOUCEK: Yes, sir.

ADMINISTRATIVE JUDGE: Okay. Yeah, I'm gonna get that right here. I'll probably mispronounce it throughout this hearing but I apologize in advance.

Okay, here. Before we get started, any preliminary matters we need to address?

MR. BOUCEK: Yes, Your Honor, we do have outstanding motions. I don't know if you want to take those up outside of the presence of the Board.

ADMINISTRATIVE JUDGE: Well, like I told you before here, I -- I just wasn't -- wasn't prepared to rule on those motions today here -- on these motions here. Like I said, they were filed sort of late and I've just been covered up with other hearings here so I haven't -- really had a chance to

get into that.

I don't know if Mr. Huffman has filed a response yet has -- filed a response. I'm not sure. I don't think so.

MR. HUFFMAN: No, we have not.

ADMINISTRATIVE JUDGE: And I know -- I know one of the motions deals with a -- my -- my charge to the Board. And quite frankly, I mean, if it's that important to you, I mean, I -- I certainly don't mind -- I -- I will, you know, consider to reset this matter so we can -- so we can review that. But I've got -- I've got a Board charge ready to go here. And I'm -- I'm -- you know, I generally am not inclined to change that. But like I said, I was -- I don't -- read your motion very much at all here. I just did a scan of it here.

So I mean, are you -- if you're that determined that -- that you want -- that you want me to do that charge here, have a hearing on that, I mean, I certainly will entertain a motion to reset this matter to -- so we can set it for a motion today if that's what you want to do.

MR. BOUCEK: Well, Your Honor, regarding the charging instructions, it probably is best to hear that -- or to entertain that after the proof

comes in to begin with. So my suggestion would be that we revisit that after all the proof comes in and then the Court can decide whether it's appropriate to rule at that time.

ADMINISTRATIVE JUDGE: Okay. I'll just go on and do that.

And like I said, Mr. Huffman, I understand, like I said, you've not had a chance to file anything so I'll take that into account greatly when I make a decision on that because of the timeliness of the -- of the motion --

MR. HUFFMAN: Okay.

ADMINISTRATIVE JUDGE: -- being so close to the hearing date.

MR. HUFFMAN: Okay. Thank you.

ADMINISTRATIVE JUDGE: Okay. Anything else, Mr. Boucek?

MR. BOUCEK: I just wanted to bring one additional matter to the Court's attention. I've disclosed this to Mr. Huffman. We have an expert witness, Mr. John Cerasuolo. And we -- I believe one of the board members is an employee for the company at which he is the CEO. We've talked about it on our end. We are -- have no objection whatsoever to him remaining throughout these proceedings. I just

wanted to put it on the record.

ADMINISTRATIVE JUDGE: Okay. Mr. Huffman?

MR. HUFFMAN: We have no objection to that either.

ADMINISTRATIVE JUDGE: Okay. And who's the board member that might have --

MR. HARVEY: (Indicating.)

ADMINISTRATIVE JUDGE: Okay. Are you comfortable hearing this also then?

MR. HARVEY: Yes.

ADMINISTRATIVE JUDGE: And that's Mr. Harvey, correct?

MR. HARVEY: Yes.

ADMINISTRATIVE JUDGE: Okay. That's fine then.

MR. BOUCEK: Then that's all we have at this time, Your Honor.

ADMINISTRATIVE JUDGE: Okay. Thank you then. Then we'll go and get started on the record then on this matter here.

This is the matter of the Alarm System Contractors Board; the case of Adam Jackson doing business as --

Is it Edge AI or A1? I'm trying to --

MR. JACKSON: Edge AI.

ADMINISTRATIVE JUDGE: -- Edge AI.

Okay. Thank you here.

I'm Jerome Cochran, the administrative judge assigned to hear this matter by the Secretary of State's Office.

Before we get started here, let me go ahead and give my preliminary instructions to the Board for this hearing here. And if you don't understand something, please stop me if you have any questions, okay?

Before this hearing begins, I want to give you these instructions to help you understand how this case will proceed. Your duties and your conduct during this hearing -- well, no, the -- the instructions -- the attorneys will make opening statements. These statements will be brief outlines of what the attorneys expect their evidence to be.

After opening statements, you will hear the evidence. The evidence generally consists of the numbered exhibits and testimony of the witnesses, including affidavits.

Pursuant to the uniform rules for hearing contested cases, the State has -- excuse me -- the respondent in this matter has the burden of proof

since he's filed a motion for declaratory order in this matter. So the respondent will proceed first; that is Mr. Jackson. Once Mr. Jackson has presented his case, Mr. Huffman representing the Department will be allowed to present his case. Each -- each attorney will be allowed to ask questions of each other's witnesses, and the Board will also be allowed to ask questions of each witness.

Because the respondent is the party with the burden of proof in this case, it will be the respondent's burden to establish all those facts necessary to prove every fact alleged in his order -- or his motion. Excuse me. The Department does not have the burden in this matter. The respondent must meet the burden of proof by a preponderance of the evidence, which means that the amount of evidence that causes you to conclude that the allegation is probably true.

If the evidence on a particular issue is equally balanced, the issue has not been proven by a preponderance of the evidence, and the party having the burden of proof has failed in this -- this part.

During the course of the hearing, there'll be opportunities for each of you to question each witness that testifies under oath. Please use

your questions to gain any information or clarifications of the facts that you think would assist you in reaching a decision in this case. However, you must reserve any expression of opinion. You may head to that portion of the hearing that is set aside for the Board -- Commissioners -- excuse me -- for the Board deliberations which occurs after all the proof has been heard.

Board Members, you should not draw any conclusions until all the proof has been submitted. Please listen to all the proof with an open mind. When all the evidence has been presented to you, the attorneys will make closing arguments. The attorneys will point out to each of you what they contend the evidence has shown, what inference that they think you should draw from the evidence, and what conclusions they think you should reach.

The statements and arguments by the attorneys are not evidence. They are made to help you understand the evidence, apply the law to the evidence of the case, and to persuade you -- each of the parties' position in this case. You should ignore any statement by counsel that is not supported by the evidence.

After closing arguments, I will further

instruct you on the rules of law that apply to this case. It is your function, Members of the Board, to determine what the facts are, to apply the rules of the law that I give you to those facts to make a conclusion of law which you decide whether or not the respondent has -- excuse me -- the Department --

As you can see, these rules are made for a -- for the State to prove their burden of proof here so I'm trying to change this on the fly here. I'm not doing a very good job. I apologize but let me stress again that this is the motion filed by the respondent, Mr. Jackson, so he does carry the burden of proof here so he must carry out, Mr. -- prove to you that his -- what he alleges is true.

Okay. As I muddled through that, are there any questions before we get started by the Board?

CHAIRPERSON HIXSON: No, sir.

ADMINISTRATIVE JUDGE: Okay.

Okay. Mr. Huffman and Mr. Jackson, do -- do any of you request the rule for the -- for this case?

MR. BOUCEK: May I just have one moment to talk with my client?

ADMINISTRATIVE JUDGE: Sure.

1 MR. BOUCEK: Your Honor, we're fine with  
 2 the witnesses staying in the courtroom.  
 3 ADMINISTRATIVE JUDGE: Mr. Huffman, do  
 4 you have any witnesses that you want to...  
 5 MR. HUFFMAN: No, we're not invoking the  
 6 rule.  
 7 ADMINISTRATIVE JUDGE: Okay. Very good.  
 8 Okay. Any stipulations that we need to be aware of  
 9 before we get started?  
 10 MR. HUFFMAN: No, sir.  
 11 MR. BOUCEK: I don't believe we've  
 12 entered into any stipulations, Your Honor.  
 13 ADMINISTRATIVE JUDGE: Okay. Today is  
 14 August 23rd, 2018. This is a hearing conducted by  
 15 the Tennessee Department of Commerce & Insurance.  
 16 This is the matter of Adam Jackson doing business as  
 17 Edge AI.  
 18 Let me go ahead and just have the  
 19 attorneys introduce themselves to the Board just  
 20 to get this out of the way here.  
 21 Mr. Boucek, do you want to introduce  
 22 yourself for the Board?  
 23 MR. BOUCEK: Yes, sir. Ladies and  
 24 Gentlemen of the Board, thank you for having me. My  
 25 name is Braden Boucek. I represent the petitioner in

1 this case, Mr. Adam Jackson. I'm from the Beacon  
 2 Center of Tennessee. And with me is David Harbin  
 3 who's a lawyer who's been assisting me in this  
 4 matter.  
 5 MR. HUFFMAN: And I am Stuart Huffman.  
 6 I'm disciplinary counsel for the State of Tennessee  
 7 and also for the Alarm Systems Board.  
 8 ADMINISTRATIVE JUDGE: Okay. Once again,  
 9 I'm Jerome Cochran, I'm the judge assigned to hear  
 10 this matter.  
 11 Would the Board please introduce  
 12 themselves also, please? We'll start with Mr. Harvey  
 13 here and work our way down.  
 14 MR. HARVEY: My name's Keith Harvey.  
 15 MR. FRAKER: My name is Doug Fraker.  
 16 CHAIRPERSON HIXSON: Vivian Hixson.  
 17 MR. RICHARD: Lou Richard.  
 18 MR. COCKROFT: And Scott Cockroft.  
 19 ADMINISTRATIVE JUDGE: Okay. Ms. Hixson,  
 20 I'd -- I understand you're the Chairwoman of the  
 21 Board, correct?  
 22 CHAIRPERSON HIXSON: Yes, sir.  
 23 ADMINISTRATIVE JUDGE: Okay. Do you have  
 24 a quorum present for this hearing?  
 25 CHAIRPERSON HIXSON: Yes, sir, we do.

1 ADMINISTRATIVE JUDGE: Okay. And how  
 2 many people are there? Obviously, is it -- is it --  
 3 is everyone present?  
 4 CHAIRPERSON HIXSON: We have a full  
 5 board, yes, sir.  
 6 ADMINISTRATIVE JUDGE: Full Board. Okay.  
 7 Thank you.  
 8 Okay. Members of the Board, during this  
 9 time the hearing is being conducted, no discussions  
 10 of this case should take place between the board  
 11 members, witnesses, attorneys, or other persons  
 12 unless all parties are present. The Board's just  
 13 like a jury and must only consider evidence  
 14 introduced at the hearing in reaching its decision.  
 15 The Tennessee Sunshine Law requires all  
 16 Board discussions and deliberations to be in public  
 17 before all parties. Failure to observe the Sunshine  
 18 Law may result in the Board's actions be reversed or  
 19 remanded if appealed.  
 20 You may not use any electronic device or  
 21 media such as a smart phone, or computer, any  
 22 internet service, or any text or instant messaging  
 23 service, or any chatroom, blog, or website such as  
 24 Facebook, LinkedIn, or Twitter to communicate any  
 25 information to anyone, to receive any information

1 from everyone -- or any- -- excuse me -- from anyone  
 2 for conducting your research about this case or  
 3 anything related to it.  
 4 Do each of you understand that?  
 5 THE BOARD: (Nods heads affirmatively.)  
 6 ADMINISTRATIVE JUDGE: Okay. Okay.  
 7 And -- and that's -- let's go ahead and get on the  
 8 record also, there is a relationship between  
 9 Mr. Harvey and one of the witnesses that's gonna be  
 10 testifying but both parties understand that and are  
 11 fine with that.  
 12 MR. HUFFMAN: (Nods head affirmatively.)  
 13 ADMINISTRATIVE JUDGE: Okay. Is there  
 14 any technical record I need to attach to this or we  
 15 need to enter into, any exhibit?  
 16 Mr. Huffman, any technical record?  
 17 MR. HUFFMAN: No, I don't believe so.  
 18 ADMINISTRATIVE JUDGE: Okay. Mr. Boucek,  
 19 anything you want to enter to -- in the technical  
 20 record?  
 21 MR. BOUCEK: Into the technical record --  
 22 we do have exhibits but we'll be moving to enter  
 23 those into the record --  
 24 ADMINISTRATIVE JUDGE: That's fine.  
 25 That's appropriate then. Okay.

1 Okay. I'll go ahead and -- Mr. Boucek,  
2 you can go ahead and give your opening statement,  
3 sir. Go ahead.

4 MR. BOUCEK: Thank you, Your Honor.

5 Thank you, Ladies and Gentlemen of the  
6 Board. As I told you earlier, my name is Braden  
7 Boucek. I'm from the Beacon Center of Tennessee and  
8 I'm here representing Mr. Jackson today in his  
9 petition before the Board.

10 We're here to answer one question and one  
11 question only, and that is whether or not Mr.  
12 Jackson's facial recognition software falls under the  
13 definition of an alarm system and as defined under  
14 Tennessee law. We submit that Mr. Jackson's product,  
15 once you hear all of the proof, clearly does not fall  
16 into -- under any of the definitions of a --  
17 Tennessee's definition of an alarm system, and then  
18 to apply those definitions would present a case what  
19 we call regulatory mismatch. Regulatory mismatch is  
20 a term that refers to any tendency to shoehorn an  
21 existing regulatory regime on an emergent technology.  
22 And the proof is gonna show that Mr. Jackson's  
23 technology is just such a product.

24 The Board is gonna hear facts first from  
25 Mr. Jackson. Mr. Jackson's gonna tell you a little

1 bit about himself and his background. Mr. Jackson  
2 was a soldier who served with distinction on behalf  
3 of his country. And pert- -- most pertinent to --  
4 what the Board's gonna consider here today, one of  
5 the tasks that Mr. Jackson as a soldier was regularly  
6 tasked with doing was security. In fact, he provided  
7 security, including electronic security, for military  
8 bases, for embassies. He has been in charge of some  
9 of the most lethal weapons in the United States' ars-  
10 -- arsenal.

11 Now, as Mr. Jackson was looking to exit  
12 the service, he and several of his fellow service  
13 members developed a product that is facial  
14 recognition software. Now, I am the least technical  
15 person in this room. I can give you every assurance  
16 of that. I majored in American studies in college,  
17 which is probably why I went to law school.

18 However, conceptually, even I can  
19 understand what it is that his product does. His  
20 product is facial recognition software. And what it  
21 does is it recognizes faces through an existing  
22 camera system and that it can match them up with  
23 other faces that you customize in any kind of a  
24 database. So let me give you an example: If, for  
25 instance, you're a school or a daycare and you wanted

1 to have some kind of a screening mechanism to keep  
2 out sexual offenders, what it could do is immediately  
3 cross-reference a known database of sexual offenders.

4 Now, what happens next is important.  
5 Once the computer makes a match, what the computer  
6 does is it then spits out a text or an electronic  
7 notice of some kind to a designated administrator.  
8 These matches are not perfect. Mr. Jackson will tell  
9 you that. It doesn't even purport to one -- one  
10 hundred percent certainty be the person that it  
11 purports to be. All it does is provide timely  
12 information to a designated user.

13 What happens next, what that user does  
14 with the information is up to that user. That person  
15 can go and investigate further, ascertain whether or  
16 not these really are the two people that they  
17 resemble. And the other thing that it can do is it  
18 you -- once you make that inquiry, you can make a  
19 determination as to whether or not that person might  
20 have a lawful presence on that particular premises.  
21 But the system, itself, doesn't make that  
22 determination. It just arms an end user with  
23 information. In a sense, it's really no different  
24 than wanted posters that you see up in a post office.  
25 It just happens a lot more instantaneously.

1 And Mr. Jackson's actually gonna put on a  
2 demonstration today to show you that this product --  
3 which involves no electrical or mechanical wiring of  
4 any kind, it's -- it's simple as plugging in an  
5 ethernet cable, like when you plug in your cable box  
6 or your computer. It's not in any shape or form an  
7 alarm system.

8 And I'm gonna talk a little bit more  
9 about what an alarm system is in just a minute. But  
10 you're also gonna hear the proof of our expert  
11 witness, and his name is Mr. John Cerasuolo. He's  
12 sitting back here right now. Mr. Cerasuolo is the  
13 CEO of one of the largest alarm system companies in  
14 the country. He knows alarm systems. He has  
15 supervised the installation of countless alarms, both  
16 in Tennessee and in other states, that do or do not a  
17 have a certification or a license law.

18 He has seen Mr. Jackson demonstrate the  
19 installation of his product. He has inspected the  
20 product. And he's gonna testify that his expert  
21 witness opinion is that this in no way resembles a  
22 Tennessee alarm system.

23 But he's also gonna give you one other  
24 further bit of information. He is gonna testify  
25 about what it takes to become a qualified agent or a



1 licensed alarm system installer in Tennessee. And he  
 2 is gonna tell you that that involves both coursework,  
 3 training, and a mandatory testing regime as, I'm  
 4 sure, this Board is well familiar with. And he's  
 5 gonna tell you that based on his expert opinion there  
 6 is absolutely nothing about the coursework, the  
 7 training, or the testing that is in any way relevant  
 8 to Mr. Jackson's product. And because Mr. Jackson  
 9 chose to serve his country instead of going to  
 10 college, he does not -- he falls under the  
 11 requirement that he must have a five-year  
 12 apprenticeship before he can install, before -- or  
 13 before he can install an alarm system.

14 So the effect of characterizing his  
 15 system as an alarm means that this United States'  
 16 soldier who has handled, you -- ordnance ammunitions  
 17 must spend five years doing things like installing  
 18 burglar alarms, other things that are in no way  
 19 relevant to the software product that he wishes to  
 20 distribute.

21 Now, finally, Your Honor -- or Ladies and  
 22 Gentlemen of the Board, the Judge is gonna instruct  
 23 you a little bit on the law, and the central question  
 24 is gonna be whether or not this meets the definition  
 25 of an alarm system. There is a specific statutory

1 definition of what an alarm system is, and I'm sure  
 2 you're all familiar with it.

3 You're gonna hear me use the term  
 4 element. An element is just a lawyer word meaning  
 5 here are the components of the definition. You must  
 6 meet each one of these elements in order to qualify  
 7 as an alarm system. Think of it as an ingredient in  
 8 a recipe. You take the chocolate chips out of the  
 9 cookie recipe and you don't have chocolate chip  
 10 cookies anymore. So if you take any one of these key  
 11 elements out, you don't have an alarm system anymore.

12 There's three ways that you can become an  
 13 alarm system in Tennessee -- or have an alarm system.  
 14 The first is that you've got a product that is,  
 15 number one, designed to record, view, monitor,  
 16 protect against personal or property loss or injury.  
 17 And secondarily, that has to result from fire, smoke,  
 18 heat, burglary, theft, shoplifting, pilferage, or  
 19 other losses of that type. Mr. Jackson's product  
 20 does not meet that characterization.

21 Another way you can be an alarm system is  
 22 if you have a system that is mon- -- that monitors,  
 23 or detects, prevents intrusions. Now, intrusion  
 24 means an entry designed to effectuate an unlawful  
 25 act. Mr. Jackson's system in no way makes

1 a statement about whether or not this person is or is  
 2 not allowed there. It just arms the user with  
 3 information.

4 Finally, the other way you can become an  
 5 alarm system is if you have a sys- -- something that  
 6 is -- that detects or summons aid for other  
 7 emergency. And again, detection, summoning aids,  
 8 this is not a system that provides notification to  
 9 police officers or firefighters about an exigent  
 10 emergency. The end user might decide to do nothing  
 11 with the information whatsoever.

12 So in the end, none of these definitions  
 13 fit Mr. Jackson's product. And for that reason,  
 14 we're gonna ask this Board to make a clear and  
 15 concise declaration that Mr. Jackson's product is not  
 16 an alarm system such that requires certification or  
 17 the licensure from the Board.

18 This case is important and we appreciate  
 19 your time. But the reason why this case is important  
 20 is because it involves Mr. Jackson's right to earn a  
 21 living. This is Mr. Jackson's American dream. This  
 22 is his slice of the American pie, and that is one of  
 23 the most important civil rights that Mr. Jackson has  
 24 to exercise. And burdening him with this licensure  
 25 law would not serve the public but it would deny this

1 man entry into the career of his choosing.

2 I thank you for your time.

3 ADMINISTRATIVE JUDGE: Thank you, Mr.  
 4 Boucek. Excuse me. Thank you, Mr. Boucek.

5 Mr. Huffman, do you want to put an  
 6 opening statement?

7 MR. HUFFMAN: Mr. Boucek, he explained it  
 8 very well. What we would like to say is the  
 9 Department is -- because the Board has not made a  
 10 final and definitive decision based on that one  
 11 question that's gonna be asked today, the Department  
 12 has no argument. This is not a contested case.  
 13 They're gonna provide the proof and y'all are gonna  
 14 make the decision. The Department has no position as  
 15 to whether this is an alarm system or it's not. So  
 16 just keep in mind that they're gonna present the  
 17 proof and y'all are gonna make the decision.

18 Thank you.

19 ADMINISTRATIVE JUDGE: Thank you, Mr.  
 20 Huffman.

21 Okay. Mr. Boucek, you want to call your  
 22 first witness?

23 MR. BOUCEK: Yes, sir, Your Honor. At  
 24 this point in time, we would like to call Mr. Adam  
 25 Jackson to the stand.

1 ADMINISTRATIVE JUDGE: Okay. Let me ask  
 2 the -- where's he supposed to just be at to -- for  
 3 y'all to see him answer questions or --  
 4 MR. HUFFMAN: Right over there by  
 5 (indicating) --  
 6 ADMINISTRATIVE JUDGE: Right over there?  
 7 Okay.  
 8 Okay. Mr. Jackson, I'm gonna swear you  
 9 in before you sit down here. Please raise your right  
 10 hand.  
 11 (The witness was sworn.)  
 12 ADMINISTRATIVE JUDGE: Okay. Thank you.  
 13 Have a seat, sir.  
 14 Go ahead, Mr. Boucek.  
 15 MR. BOUCEK: Thank you, Your Honor. And  
 16 as we begin, we're gonna be offering a number of  
 17 exhibits through this witness. We have copies of  
 18 these exhibits for each Board Member and the  
 19 Department. I just want to be clear on what the  
 20 Court's process is in terms of providing those to Mr.  
 21 Jackson, providing them to them, and handing them --  
 22 certainly before we hand anything to the Board, I  
 23 want clarification from the Court that we're okay to  
 24 do that.  
 25 ADMINISTRATIVE JUDGE: That's fine.

1 and served in 82 Airborne. I did one trip to  
 2 Afghanistan in -- as a -- as an infantryman. And  
 3 then in 2007, went to the Special Forces  
 4 qualification cor- -- or sorry, 2011 went to the  
 5 Special Forces qualification course where I graduated  
 6 as a Special Forces communications sergeant.  
 7 So my roles in that capacity included all the  
 8 normal stuff that comes along with being Special  
 9 Forces along with everything that a team might use to  
 10 communicate and then kind of by default all  
 11 electronic, computer type duties as well.  
 12 Q. Tell us a little about your personal life.  
 13 Are you married, do you have children just to get  
 14 that on the record?  
 15 A. I'm married. I live in Greenbrier. And I  
 16 have an 8-week-old and a 2-year-old.  
 17 Q. So you've recently had a child?  
 18 A. I have.  
 19 Q. Congratulations.  
 20 A. Thank you.  
 21 Q. Now, tell us your Service record, please.  
 22 A. So kind of picking back up where I -- where I  
 23 was, I started -- I went to Fifth Special Forces  
 24 Group and went to Jordan, Iraq, and Syria in that  
 25 capacity. While in Jordan, I helped a partner force

1 Mr. Huffman, do you have any objection to  
 2 that?  
 3 MR. HUFFMAN: I -- no, there's no  
 4 objection.  
 5 ADMINISTRATIVE JUDGE: Okay.  
 6 MR. BOUCEK: All right. May I begin,  
 7 Your Honor?  
 8 ADMINISTRATIVE JUDGE: Yes, sir, go  
 9 ahead.  
 10 \* \* \*  
 11 ADAM JACKSON,  
 12 was called as a witness, and having first been duly  
 13 sworn, testified as follows:  
 14  
 15 DIRECT EXAMINATION  
 16 QUESTIONS BY MR. BOUCEK:  
 17 Q. Go ahead and please state and spell your  
 18 name.  
 19 A. Adam Jackson, A-D-A-M, space, J-A-C-K-S-O-N.  
 20 Q. Mr. Jackson, can you tell us a little bit  
 21 about your personal background?  
 22 A. I was originally born in southern Indiana. I  
 23 enlisted in the Army in 2007 at the age of 19. I  
 24 initially enlisted to be a -- an airborne infantryman

1 install a secured internet communication system and  
 2 consulted, had a hand in -- in helping out with  
 3 electronic security at multiple US installations  
 4 overseas to include US -- to fix joint bases that we  
 5 shared with the Jordanians and embassy-type buildings  
 6 and sites.  
 7 Q. Have you provided physical security as well?  
 8 A. I have. So Jordan by nature was more of a  
 9 diplomatic mission. But in Afghanistan, Iraq, and  
 10 Syria, I provided physical security to include convoy  
 11 security, base security for US installations. I  
 12 trained partner forces to provide their own security  
 13 and helped build sites for -- as -- as -- as the US  
 14 presence in those countries grew, I helped build  
 15 sites, both US and with partner forces, where we did  
 16 some electronic security and a lot of physical  
 17 security.  
 18 Q. In that capacity, did you -- were you trained  
 19 to handle military ordnance?  
 20 A. I was. I was a -- I attended the special  
 21 operation -- or the joint tactical -- or joint  
 22 terminal and tact controller course. So I was the  
 23 guy on my team that would control all the airspace,  
 24 the planes in the airspace, and the actual dropping  
 25 of ordnance from planes to ground.



- 1 Q. When you say ordnance, are you talking about  
2 bombs?  
3 A. **Bombs.**  
4 Q. How long did you serve?  
5 A. **Just under 10 years.**  
6 Q. What -- what is your final rank?  
7 A. **Staff sergeant.**  
8 Q. When did you -- were you released from the  
9 military?  
10 A. **It would have been March 2017.**  
11 Q. And were you honorably discharged?  
12 A. **I was.**  
13 Q. Now, is some of the work that you did with  
14 the military, did that involve closed-circuit TV  
15 systems?  
16 A. **It did. So at -- at every site a Special**  
17 **Forces team typically deploys as a 12-man element.**  
18 **In some places, that's fine. In other places, that**  
19 **puts teams at a major disadvantage having such a**  
20 **small force. We used force multipliers like**  
21 **closed-circuit TV cameras, ground sensors, things of**  
22 **that nature. And I was generally responsible for**  
23 **installing all those at our installations.**  
24 Q. Did that involve wiring?  
25 A. **It did.**

- 1 Q. Did that involve camera work?  
2 A. **It did.**  
3 Q. Are you familiar with a company by the name  
4 of Edge AI?  
5 A. **I am. I started that company. As I was**  
6 **leaving the military and preparing for civilian life,**  
7 **myself, four -- four soldiers or former soldiers were**  
8 **involved in Edge AI. Myself, a guy I served in the**  
9 **82nd with who following his military career went to**  
10 **Carnegie Mellon and got a master's degree in**  
11 **robotics, he and I were the main technical employees**  
12 **of the company.**  
13 **And then we had two business development**  
14 **guys: One was a former sergeant major in the 101st**  
15 **Airborne division and the COO of Pelican Products**  
16 **previously. And another guy that was responsible for**  
17 **all -- all product development for SOCOM, so**  
18 **everything from the load-bearing equipment that --**  
19 **that guys would wear in SOCOM all the way up to**  
20 **future weapons, he was responsible for everything**  
21 **from seeing how they were designed all the way up to**  
22 **fielding.**  
23 Q. So is this you and fellow service members  
24 then?  
25 A. **It is.**

- 1 Q. What products are you developing?  
2 A. **So we developed a product that basically the**  
3 **goal of the company was to make computer vision and**  
4 **artificial intelligence available to organizations**  
5 **that it hadn't been previously available to because**  
6 **of budget constraints. So there's all sorts of**  
7 **artificial intelligent products that, in my**  
8 **estimation, are artificially high in price when they**  
9 **don't need to be. So we set out to develop out a**  
10 **product that my kid -- the end goal was to develop a**  
11 **product that my daughter's preschool could use and,**  
12 **you know, wouldn't -- wouldn't break their --**  
13 **wouldn't break their budget.**  
14 Q. So pricing was an important part of this  
15 model?  
16 A. **It was. We developed a facial recognition**  
17 **system that could integrate into existing CCTV**  
18 **cameras that we didn't necessarily need to install**  
19 **cameras for as long as they were on some sort of**  
20 **local area network that could pull that feed in and**  
21 **do an analysis on the video from the existing system.**  
22 Q. When did you realize that you had a unique  
23 product that was in demand?  
24 A. **So when we started doing internal testing and**  
25 **realized that our accuracy levels were on par with**

- 1 **some of the bigger players in the market, I realized**  
2 **that we had something that was -- that could do well**  
3 **in the market. And then we did some initial**  
4 **approaches with a few schools, mainly private**  
5 **schools, daycares, and women's shelters that housed**  
6 **victims of the domestic violence and got an**  
7 **unbelievably positive response from all the people we**  
8 **initially contacted.**  
9 Q. What is the name of your business?  
10 A. **Edge AI.**  
11 Q. What is Edge AI's product designed to do in a  
12 nutshell?  
13 A. **In a nutshell, it is designed to detect**  
14 **either basically somebody that -- that -- it's**  
15 **designed to detect a sex offender, or expelled**  
16 **student, something of that nature, somebody like that**  
17 **that's entering a premises and then provide**  
18 **notification to an administrator who could make a**  
19 **decision based on the information that the system**  
20 **provides.**  
21 Q. I would like for you to kind of explain in  
22 summary form how that works. Would it help if you  
23 had your diagram?  
24 A. **It would.**  
25 **MR. BOUCEK: Your Honor, may I approach**

1 the witness?

2 ADMINISTRATIVE JUDGE: Yes, you can.

3 MR. BOUCEK: I'm handing him what I've

4 marked as Exhibit 1. And this is a diagram of the

5 product. Let me provide copies. And, Your Honor, I

6 could either give this to the Board or we'll move to

7 have it entered first and then we'll ask to hand it

8 to the Board so they can see what we're talking

9 about.

10 ADMINISTRATIVE JUDGE: Either way is

11 fine. Let's go ahead and enter it as Ex- -- Exhibit

12 1 -- excuse me -- here Exhibit 1. And that would be

13 the -- what is this exactly, the diagram?

14 MR. HARBIN: Yes, sir.

15 ADMINISTRATIVE JUDGE: Okay. This is the

16 Edge AI FR installation diagram.

17 (WHEREUPON, the above-mentioned document

18 was marked as Exhibit Number 1.)

19 BY MR. BOUCEK:

20 Q. All right. Can you walk us through this

21 diagram and explain to us how the system works?

22 **A. Yeah. So starting with the document labeled**

23 **Edge AI FR installation, basically, what this**

24 **document is meant to represent is how cameras -- so**

25 **for -- for the Members of the Board that are -- are**

1 active alarm company administrators, this will make a

2 little bit more sense.

3 But basically, this was meant to show cameras

4 installed in a building that exists on a local area

5 network and how those cameras interact with either a

6 DVR, a video server, or just WiFi to a smart, an --

7 to a -- to another WiFi-enabled device with a screen

8 for viewing.

9 Our system's pretty agnostic. It really

10 doesn't care how the cameras are installed or what

11 the mode is that they're transmitted to the -- the

12 end user. We can integrate with almost any existing

13 system. And basically what it shows is how our

14 system pulls that feed in, analyzes the video and

15 then sends an alert to an administrator. That alert

16 typically takes the form of a picture of the known

17 offender and a picture of the person that's on your

18 premises. Because again, no technology is -- is --

19 is perfect or infallible so we leave that to the

20 administrator to make the final decision about what

21 action should be taken.

22 Q. All right. And then does that -- are -- are

23 you -- have you gone through both pages here? Are we

24 clear here?

25 **A. (Reviews document.) I think we hit**

1 everything on both pages.

2 Q. Very good. Now, have you set up a

3 demonstration of your product in the courtroom today?

4 **A. I have in the back corner.**

5 MR. BOUCEK: Well, with the Court's

6 permission, I'd like him to just briefly demonstrate

7 to the Board exactly how this production functions.

8 ADMINISTRATIVE JUDGE: Can the Board see

9 from here or do we need to move?

10 MR. BOUCEK: The Board does not need to

11 move. I think we're -- if we can -- he could walk

12 over here, I think he can demonstrate it.

13 ADMINISTRATIVE JUDGE: Okay. Any

14 objection, Mr. Huffman?

15 MR. HUFFMAN: No, sir.

16 MS. VEST: Mr. Jackson, do we need to

17 move so the Board can see?

18 **THE WITNESS: I -- prob- -- probably.**

19 MS. VEST: Okay. Excuse us. We'll move.

20 BY MR. BOUCEK:

21 Q. And, Mr. Jackson, as you're demonstrating how

22 the product works, can you also show the wires that

23 we see there and explain to those -- how those are

24 those installed and the function of those wires?

25 **A. So I apologize for the -- the kind of**

1 thrown-together demonstration. But basically, the --

2 the concept is this -- everything that you see here

3 is -- is things that would already exist in a

4 building, whether it -- this camera just represents

5 the camera system in that building. That could be a

6 POE system going to a DVR or a smart camera that's

7 going straight to -- to a cloud device. Again, our

8 system really doesn't care.

9 MS. VEST: I'm sorry --

10 ADMINISTRATIVE JUDGE: Just one second

11 here.

12 MS. VEST: -- but there's not -- excuse

13 me, I'm sorry. But there's not a microphone over

14 here so we will need Mr. Jackson to speak up.

15 **THE WITNESS: Okay.**

16 MR. BOUCEK: So either speak up --

17 MS. VEST: That's --

18 MR. BOUCEK: -- or it might be helpful if

19 you would approach the microphone as much as you can

20 while you're speaking.

21 MS. VEST: Thank you.

22 **THE WITNESS: So the -- the -- the stuff**

23 **on the back of the table is meant to represent things**

24 **that would already be in the building: The camera**

25 **system, the networking system that already exist --**

1 already exists in any building that we may be doing  
2 an installation in. This laptop represents our --  
3 the -- the medium that our software exists on. This  
4 can be a video server or it can just be a laptop in a  
5 mobile format.

6 The only connection that we require is  
7 one ethernet connection from our server or -- or  
8 whatever -- or whatever the medium is that we're  
9 employing our software from. We basically want an  
10 ethernet cable to an access point that is on a local  
11 area network.

12 Once that connection has been made, a  
13 technician would enter the IP address or the RTSP  
14 feed address of the cameras that exist on the  
15 network.

16 I'm not sure if you guys can make that  
17 out. That's basically the management application.  
18 It's just a series of radio buttons that allow the  
19 user to decide whether they want to use WiFi camera  
20 or an existing DVR camera or some other medium.

21 So the system takes about 45 seconds to a  
22 minute to boot up and then I'll step in front of the  
23 camera and demonstrate what happens when a match  
24 occurs. So as you -- so you can see on the screen  
25 the match. It's almost instantaneous when it's

1 displayed locally just on a -- on -- on a laptop  
2 screen locally. In about 10 seconds, I should get a  
3 text message. Can I -- can I approach?

4 BY MR. BOUCEK:

5 Q. Do you have the -- have you gotten the text?

6 A. I have.

7 MR. BOUCEK: With the Court's permission,  
8 may he show this display to the Board Members so they  
9 can see it?

10 ADMINISTRATIVE JUDGE: That's fine.

11 THE WITNESS: So this is the text message  
12 that the administrator would receive. It basically  
13 just shows the person and where they were seen. So  
14 that's me in the building, obviously. That's the  
15 known picture of me. And then that's the location  
16 and the time that I was seen.

17 Do the Board Members or -- or Mr. Huffman  
18 have any questions regarding the demonstration?

19 BY MR. BOUCEK:

20 Q. Well, we'll -- we'll take that separately.

21 Do you have any further things to make about your  
22 demonstration?

23 A. I don't.

24 Q. Okay. I think you can resume your place in  
25 the witness box.

1 MR. BOUCEK: Your Honor, I'm gonna hand  
2 the witness an item I'm gonna ask him a question  
3 about here. I've handed Mr. Jackson an item  
4 marked as -- for identification purposes -- Exhibit  
5 2.

6 BY MR. BOUCEK:

7 Q. Mr. Jackson, do you recognize that item?

8 A. I do.

9 Q. What is it?

10 A. It's a tabletop demonstration of how to  
11 install and set up the system I just demonstrated.

12 Q. How do you recognize that?

13 A. My initials and date on the front of the CD.

14 Q. And you've watched the contents?

15 A. I have.

16 Q. Is the item what it purports to be?

17 A. It is. It is --

18 Q. And is it essentially just a video for the  
19 record of the demonstration that you've just put on?

20 A. It is.

21 MR. BOUCEK: Your Honor, we'll move to  
22 enter it at this point in time.

23 ADMINISTRATIVE JUDGE: Any objection, Mr.  
24 Huffman?

25 MR. HUFFMAN: No objection.

1 ADMINISTRATIVE JUDGE: Okay. That'll be  
2 marked as Exhibit 2, the demonstration CD.

3 MR. BOUCEK: And just for the Board  
4 Members' understanding, we don't intend on showing  
5 you that video since it's what you just saw. We're  
6 just trying to make a record in case there's further  
7 review.

8 (WHEREUPON, the above-mentioned item was  
9 marked as Exhibit Number 2.)

10 BY MR. BOUCEK:

11 Q. All right. You -- you've talked about this a  
12 little bit but we do see the wires that run out  
13 there. What sort of wires are those?

14 A. So those are our normal either Cat 5, Cat 5E,  
15 or Cat 6 ethernet cables; exactly the same as would  
16 be plugged into a normal computer connecting to the  
17 internet.

18 Q. So is there any internal building wiring that  
19 comes with that?

20 A. There's not. We can actually plug our system  
21 directly into a wall jack that's connected to the  
22 local area network.

23 Q. Is it possible to install that in such a way  
24 that it would cause any kind of a public hazard, like  
25 fire?

1 **A. It's not. The -- the cable that we use is**  
 2 **not powered over ethernet, no electricity's**  
 3 **transmitted. It's strictly a data cable.**  
 4 Q. How common are ethernet cables in everyday  
 5 life?  
 6 **A. There's prob- -- there's probably about 10**  
 7 **miles of ethernet cable in this building. The --**  
 8 **pretty much every building you go into has some form**  
 9 **of a ethernet cable.**  
 10 Q. How common is it in your average everyday  
 11 household?  
 12 **A. Almost every household has an ethernet cable**  
 13 **going from at least the modem in their house to the**  
 14 **router.**  
 15 Q. So that's how we get on the internet?  
 16 **A. It is.**  
 17 Q. What about, say, cable TV?  
 18 **A. Cable TV does occasionally use ethernet.**  
 19 **Typically it uses coaxial cable which transmits the**  
 20 **exact same type of signal as an ethernet cable, just**  
 21 **a diff- -- different digital standard.**  
 22 Q. So if you have a son that's professionally  
 23 playing Fortnite on the PlayStation, is that  
 24 something that comes through ethernet?  
 25 **A. I -- you -- some occasionally, yes.**

1 Q. All right. Now, the system works through  
 2 existing closed-circuit TV systems; is that right?  
 3 **A. It does. The -- we -- we realized that it --**  
 4 **yeah, it -- it works through existing -- you know, in**  
 5 **almost all cases, we can integrate it to the existing**  
 6 **cameras in a building.**  
 7 Q. So do you need to install closed-circuit TV  
 8 to make this system to work?  
 9 **A. We do not typically need to install it. And**  
 10 **if we -- if we did need an extra camera added, we**  
 11 **would just con- -- let the building or the -- the**  
 12 **school that we're working with know that and have**  
 13 **them go out and get a qualified installer.**  
 14 Q. Now, could you technically install the  
 15 camera? Do you have that ability?  
 16 **A. I do.**  
 17 Q. So we have the scenario where you're not  
 18 installing a camera; then we have another scenario  
 19 where you would be installing a camera, but you're  
 20 telling us today that the model that you're  
 21 presenting to the Board is that you're not going to  
 22 be installing cameras, do I understand correctly?  
 23 **A. That's correct, we have no intention of**  
 24 **installing cameras.**  
 25 Q. Now, you have also related that -- would it

1 be helpful if you're able to point out spots where  
 2 cameras should go?  
 3 **A. Yes. Ideally, we have a partnership with**  
 4 **some CCTV installer and let them have -- or give them**  
 5 **an understanding of how our system works and develop**  
 6 **a relationship where we'd let them know or -- or they**  
 7 **would just know from knowledge of our system the best**  
 8 **placing of the cameras.**  
 9 Q. So would that involve you going onsite and  
 10 making recommendations about where a camera could go?  
 11 **A. Ideally, yes.**  
 12 Q. Okay. So there's a third version of this  
 13 where you would not be installing cameras but you  
 14 might be making recommendations about where cameras  
 15 should ideally go?  
 16 **A. Correct.**  
 17 Q. Very good. Now, the database that uses --  
 18 what can you tell us about the database?  
 19 **A. So the database can be really anything**  
 20 **that -- that our customer or client could imagine.**  
 21 **Our initial application was going to be sex offenders**  
 22 **and expelled students, but we could pretty much**  
 23 **customize the database to anything our -- our**  
 24 **customer or client wanted.**  
 25 Q. What can you tell us about the notification

1 system and what sort of data it relays?  
 2 **A. So the notification system, again, can --**  
 3 **it's -- it's highly customizable. We can do an**  
 4 **onscreen alert to somebody sitting behind a monitor.**  
 5 **We can do an e-mail. We can do a text message. The**  
 6 **purpose of the notification really is just to give**  
 7 **information to either an administrator or somebody in**  
 8 **a -- in a position -- someone -- someone locally at**  
 9 **the school to -- to go and figure out what exactly is**  
 10 **going on.**  
 11 Q. How reliable are the matches?  
 12 **A. I mean, we -- we believe the matches are --**  
 13 **are very reliable, but, you know, very reliable in**  
 14 **the artificial intelligence world right now is about**  
 15 **90 percent.**  
 16 Q. Okay. So it's not a perfect match?  
 17 **A. That's correct.**  
 18 Q. Do you represent when you tell customers  
 19 about this product that you are telling them when  
 20 they get a notice that this is for sure that person?  
 21 **A. We -- we do not tell our customers that.**  
 22 Q. What do you tell them the notice represents?  
 23 **A. The notice represents a situation that**  
 24 **somebody should -- basically, we tell our customers**  
 25 **that we provide the best information that -- that**

1 we -- that -- that we believe technology's able to  
2 provide right now but they need to go verify the  
3 information before they take any further action with  
4 it.

5 Q. Now, even when you say verification, that  
6 means, number one, that they ascertain that this is,  
7 in fact, the person that the system says it might be;  
8 is that right?

9 A. That's correct.

10 Q. But even if it is that person, are there some  
11 scenarios where even, say, a sex offender might not  
12 be, per se, excluded from the school?

13 A. That's correct. There are about a dozen  
14 exceptions to the law that allows sex offenders to  
15 enter pretty much any school with -- with very few  
16 caveats.

17 Q. Do you let your clients know that?

18 A. We do.

19 Q. So in sum, this is not a system telling them  
20 that this is a person that cannot for sure enter  
21 here; is that right?

22 A. That's correct.

23 Q. Now, where are some of the places that you  
24 envision the application of this technology?

25 A. Schools, preschools, daycares, in a small

1 niche market in battered women shelters, and with  
2 victims of domestic violence and the like.

3 Q. Have you had contact with some of those  
4 businesses?

5 A. We have.

6 Q. And do those businesses indicate that they  
7 were enthusiastic about your product?

8 A. We -- we got a great reception from pretty  
9 much everybody we talked to.

10 Q. What can you tell us about how competitive  
11 your pricing was to other facial recognition  
12 products?

13 A. So other facial recognition products right  
14 now just -- or -- or until very recently have -- have  
15 just been out of the -- out of the range of most  
16 schools, and preschools, and organizations like that.  
17 Because we came in -- because our -- we built our  
18 product a round price, we were able to -- I don't --  
19 we -- we would be able to go after customers that --  
20 like schools and -- and got a great response from the  
21 schools that we initially approached.

22 Q. Were there, in fact, Nashville area private  
23 schools that talked to you about purchasing your  
24 product and letting you beta test?

25 A. There were.

1 Q. Now, can you give the Board a sense as to how  
2 much one of those contracts is worth?

3 A. So to -- to initially start out, our smallest  
4 package would be between 15- and \$2500 for the  
5 initial installation and then \$150 a month per camera  
6 after that. Obviously, there'd be some model where  
7 we'd scale the price down as the number of cameras  
8 went up.

9 Q. Did --

10 A. But -- sorry, sorry, go ahead. I mean, a  
11 school may have 250 cameras so some of these  
12 contracts could be very lucrative.

13 Q. Did you and -- discuss pricing with a private  
14 school in Nashville that came to a specific number?

15 A. We never came to a specific number but we did  
16 discuss our pricing model and they did -- it didn't  
17 seem to deter them at all.

18 Q. And how much was that?

19 A. I mean, \$150 per camera.

20 Q. And what would that total per month?

21 A. So I think somewhere between 25- or \$35,000 a  
22 month.

23 Q. That's a month?

24 A. It is.

25 Q. And that's one contract?

1 A. It is.

2 Q. Have you also discussed donating this product  
3 with some worthy causes?

4 A. We did. We talked about donating it to a  
5 synagogue in southern Nashville and a couple of  
6 battered women shelters. Based on the law and the  
7 way it's written and my previous appearance to the  
8 Board, I thought we might run into -- I thought we  
9 would -- would run into issues if we did donate it.

10 Q. Well, we'll talk about that more in just a  
11 little bit. But are you familiar with a person by  
12 the name of Jason Beddoe?

13 A. I am.

14 Q. Who is he?

15 A. Jason Beddoe is a director of security at a  
16 private school in Nashville. He was also a police  
17 officer for 30 years and a outside security  
18 consultant.

19 Q. Did he express an interest in using your  
20 product at the school at which he works?

21 A. He did.

22 MR. BOUCEK: May I approach the witness,  
23 Your Honor?

24 ADMINISTRATIVE JUDGE: Yes, you may.

25 MR. BOUCEK: I'm passing up a declaration



1 of Jason Beddoe. This has previously been marked as  
 2 Exhibit 3.  
 3 BY MR. BOUCEK:  
 4 Q. Do you recognize that declaration, Mr.  
 5 Jackson?  
 6 **A. I do.**  
 7 Q. Is that a --  
 8 ADMINISTRATIVE JUDGE: Hold on a second.  
 9 Do we have one for the folks for the Board also?  
 10 MR. BOUCEK: I -- I was gonna move to  
 11 enter it first but --  
 12 ADMINISTRATIVE JUDGE: Okay.  
 13 BY MR. BOUCEK:  
 14 Q. Is that an authenticate copy of his  
 15 declaration?  
 16 **A. It is.**  
 17 MR. BOUCEK: We'll move to enter that  
 18 into evidence, Your Honor.  
 19 ADMINISTRATIVE JUDGE: Okay. Be marked  
 20 as Exhibit 3.  
 21 MR. BOUCEK: And may we please hand  
 22 copies to the Board?  
 23 ADMINISTRATIVE JUDGE: Yes, go ahead.  
 24 (WHEREUPON, the above-mentioned document  
 25 was marked as Exhibit Number 3.)

1 BY MR. BOUCEK:  
 2 Q. All right. Now, I believe you testified that  
 3 Mr. Beddoe is a security director at an independent  
 4 school in Nashville.  
 5 **A. He is.**  
 6 Q. Why does he want your product?  
 7 **A. He believes that it would provide information**  
 8 **that would be valuable and timely in -- in his**  
 9 **security efforts.**  
 10 Q. Is there a particular reason why he thinks  
 11 your product has special relevance for schools at  
 12 this moment?  
 13 **A. Yes. Because of the -- the school shootings,**  
 14 **he likes the idea of being able to add expelled**  
 15 **students to a database to prevent incidents**  
 16 **specifically like the one in Florida.**  
 17 Q. Has he expressed a desire to use the product  
 18 if allowed to do so?  
 19 **A. Yes.**  
 20 Q. And why hasn't he done so yet?  
 21 **A. Because he's -- it was my -- it was my**  
 22 **understanding that we -- we were not able to sell the**  
 23 **product when I left here after my last appearance.**  
 24 Q. Are you familiar with a person by the name of  
 25 Donald J. Clark?

1 **A. I am.**  
 2 MR. BOUCEK: Your Honor, may I approach  
 3 the witness?  
 4 ADMINISTRATIVE JUDGE: Yes, you may.  
 5 BY MR. BOUCEK:  
 6 Q. I'm handing you what's been marked as Exhibit  
 7 4. This is the declaration of Mr. Clark. Is that a  
 8 true and authenticate copy of Mr. Clark's  
 9 declaration?  
 10 **A. It is.**  
 11 MR. BOUCEK: Your Honor, we'll move to  
 12 enter it into evidence at this point in time and hand  
 13 the Board a copy.  
 14 ADMINISTRATIVE JUDGE: Marked as Exhibit  
 15 4.  
 16 (WHEREUPON, the above-mentioned document  
 17 was marked as Exhibit Number 4.)  
 18 THE BOARD: (Reviews document.)  
 19 BY MR. BOUCEK:  
 20 Q. All right. While they're finishing up, can  
 21 you tell us who Mr. Clark is?  
 22 **A. Donald Clark was a member of the US Secret**  
 23 **Service by -- for, I believe, between 20 and 30**  
 24 **years. He was a member of the Secret Service**  
 25 **presidential detail. And he's now in the middle of**

1 **starting a security company that does security**  
 2 **consultations for high profile individuals and**  
 3 **events.**  
 4 Q. Have you had conversations with him about  
 5 utilization of your product?  
 6 **A. I have.**  
 7 Q. What has he told you about your product?  
 8 **A. He's pretty excited for the product to be**  
 9 **made available.**  
 10 Q. And how have recent events influenced his  
 11 desire to use your product?  
 12 **A. Just given the current state of the world**  
 13 **with mass shootings and -- and similar things, you**  
 14 **know, I -- I think it -- it bolsters the position of**  
 15 **our product with him.**  
 16 Q. Has he told you whether or not he is  
 17 concerned with whether or not you had a certification  
 18 before installing your product?  
 19 **A. I -- I've -- through the process of**  
 20 **discussing the product, Mr. Clark and I have had**  
 21 **several conversations and I don't think he cares**  
 22 **whether I have certification or not.**  
 23 Q. Why is he not currently using your product?  
 24 **A. Because -- because we haven't been able to do**  
 25 **sufficient beta testing and -- in the state of**

1 **Tennessee.**

2 Q. How concerned is he about whether or not it  
3 would be legal for him to use the product?

4 **A. Not really at all.**

5 Q. Now, are you familiar with a person by the  
6 name of Daniel Horwitz?

7 **A. I am.**

8 Q. Who is Mr. Daniel Horwitz?

9 **A. Daniel Horwitz is an -- is a attorney in**  
10 **Nashville who belongs to the synagogue in southern**  
11 **Nashville.**

12 MR. BOUCEK: Your Honor, may I approach  
13 the witness?

14 ADMINISTRATIVE JUDGE: Yes, you may.

15 MR. BOUCEK: I'll be handing the witness  
16 what we've marked as Exhibit 5. It's the affidavit  
17 of Daniel Horwitz.

18 MR. HARBIN: Give this to the Board?

19 MR. BOUCEK: Oh, I'm sorry. Have we  
20 moved to enter this into evidence yet?

21 ADMINISTRATIVE JUDGE: Not yet.

22 MR. BOUCEK: I apologize. We'll move to  
23 enter it into evidence at this time.

24 ADMINISTRATIVE JUDGE: It's marked as  
25 Exhibit 6 (sic).

1 MR. BOUCEK: And with the Court's  
2 permission, may we hand copies to the Board?

3 ADMINISTRATIVE JUDGE: Yes, you may.

4 (WHEREUPON, the above-mentioned document  
5 was marked as Exhibit Number 5.)

6 THE BOARD: (Reviews document.)

7 BY MR. BOUCEK:

8 Q. Why does Mr. Horwitz wish to use your  
9 product?

10 **A. Given the events in Charlottesville and other**  
11 **similar events, he feels there is a heightened**  
12 **security risk at the temple synagogue which he**  
13 **attends.**

14 Q. Have you familiarized him with the  
15 capabilities of your product?

16 **A. I have. He has seen a -- a demonstration.**  
17 **We've had in-depth talks about the capabilities**  
18 **and -- and limits.**

19 Q. Has he expressed excitement and willingness  
20 to use your product?

21 **A. He has.**

22 Q. Why is he not currently using your product on  
23 behalf of the temple?

24 **A. Because we don't have certification and there**  
25 **was some ambiguity about whether or not we were an**

1 **alarm system or not.**

2 Q. Just to recap, we have heard about specific  
3 applications from a school, a security company, and  
4 now a religious synagogue; is that right?

5 **A. It is. It is.**

6 Q. Are you familiar with a person by the name of  
7 Michael G. McGrath?

8 **A. I am.**

9 MR. BOUCEK: Your Honor, may I approach  
10 the witness at this time?

11 ADMINISTRATIVE JUDGE: Yes, you may.

12 MR. BOUCEK: I'm handing him what we've  
13 marked as Exhibit 6. This is a declaration of  
14 Michael G. McGrath.

15 BY MR. BOUCEK:

16 Q. Mr. Jackson, is that Mr. Jackson's -- or  
17 excuse me -- Mr. McGrath's declaration?

18 **A. It is.**

19 MR. BOUCEK: We'll move to enter it into  
20 evidence at this point in time.

21 ADMINISTRATIVE JUDGE: Marked as Exhibit  
22 6.

23 MR. BOUCEK: May we hand copies to the  
24 Board.

25 ADMINISTRATIVE JUDGE: Yes, you may.

1 (WHEREUPON, the above-mentioned document  
2 was marked as Exhibit Number 6.)

3 BY MR. BOUCEK:

4 Q. Now, before we go into the substance of this  
5 one, what have you been doing since you can't make  
6 money off your present business? How have you been  
7 supporting your family?

8 **A. I've been helping traveling music tours**  
9 **develop security policies and doing some technical --**  
10 **some technical assistance for artists in Nashville.**

11 Q. Are these big name artists?

12 **A. They are.**

13 Q. Hobnobbing with the rich and famous then?

14 **A. I don't know about that.**

15 Q. Who's Mr. McGrath? What does he do?

16 **A. Mike McGrath is probably the most successful**  
17 **security director in -- in the country music world**  
18 **right now. If you listen to two songs on the radio,**  
19 **Mike probably represents one of them as their**  
20 **security director.**

21 Q. Who are some of the past artists that he has  
22 provided security for?

23 **A. I believe there are NDAs on those that he's**  
24 **never...**

25 Q. Why don't you look at paragraph 3 there?



1 **A. Oh. Blake Shelton, Rascal Flatts, and Reba**  
 2 **McEntire.**  
 3 MR. BOUCEK: Okay. We'll give the Board  
 4 Members a chance to review the declaration here.  
 5 THE BOARD: (Reviews document.)  
 6 BY MR. BOUCEK:  
 7 Q. Are you personally familiar with Mr. McGrath?  
 8 **A. I am.**  
 9 Q. How long have you known him?  
 10 **A. About just under a year.**  
 11 Q. Have you demonstrated to him your product?  
 12 **A. I have.**  
 13 Q. Has he expressed a desire to use your  
 14 product?  
 15 **A. Yes.**  
 16 Q. How have recent events influenced his desire  
 17 to use your product?  
 18 **A. Just with the availability of information**  
 19 **about artists on the internet, his -- he's had two**  
 20 **clients that were approached within arm's length of**  
 21 **a -- by stalkers. And obviously, the shootings in**  
 22 **Las Vegas, and France, and the bombing in England has**  
 23 **piqued his interest.**  
 24 Q. Does he have a personal narrative with regard  
 25 to the shootings in Las Vegas?

1 **CCTV cameras to the tour and train an individual to**  
 2 **use it and have them implement the technology.**  
 3 Q. All right. Do you know a person by the name  
 4 of the Jake LaGrone?  
 5 **A. I do.**  
 6 Q. Who is he?  
 7 **A. Jake LaGrone is Jason Aldean's tour manager.**  
 8 MR. BOUCEK: May I approach the witness,  
 9 Your Honor?  
 10 ADMINISTRATIVE JUDGE: Yes, you may.  
 11 BY MR. BOUCEK:  
 12 Q. I'm handing you what we've marked as Exhibit  
 13 Number 7. This is the declaration of Jake LaGrone.  
 14 MR. BOUCEK: Your Honor, we'll move to  
 15 enter into evidence at this point in time.  
 16 ADMINISTRATIVE JUDGE: It's marked as  
 17 Exhibit 7.  
 18 MR. BOUCEK: And may we hand out copies  
 19 for the Board?  
 20 ADMINISTRATIVE JUDGE: Yes, you may.  
 21 (WHEREUPON, the above-mentioned document  
 22 was marked as Exhibit Number 7.)  
 23 THE BOARD: (Reviews document.)  
 24 BY MR. BOUCEK:  
 25 Q. Okay. Mr. Jackson, do you have a

1 **A. He -- he had several friends that were**  
 2 **present during that shooting.**  
 3 Q. How has that influenced his desire to  
 4 strengthen the security --  
 5 **A. I -- I think it's really reinvigorated him**  
 6 **and the security industry as a whole.**  
 7 Q. Would he use your product if he could?  
 8 **A. I believe so.**  
 9 Q. How concerned is he about your being  
 10 unlicensed?  
 11 **A. As far as technical ability, he's not. As**  
 12 **far as running into regulatory issues, he is.**  
 13 Q. And why has he not then utilized your  
 14 product?  
 15 **A. He just doesn't want a tour to run into a**  
 16 **regulatory issue of using an unlicensed contractor.**  
 17 Q. Do you have the ability -- like, if you go to  
 18 a concert venue, even an outdoor concert venue, do  
 19 you have the ability to make your technology  
 20 miniaturized and use it in those sorts of forms?  
 21 **A. Yes.**  
 22 Q. Can you explain a little bit about that?  
 23 **A. I mean, just our ability to integrate into**  
 24 **existing CCTV cameras, we -- we can basically hand a**  
 25 **computer capable of pulling in feeds from existing**

1 relationship with Mr. LaGrone?  
 2 **A. I do.**  
 3 Q. Is he familiar with your product?  
 4 **A. He is.**  
 5 Q. What has he told you about his willingness to  
 6 use your product?  
 7 **A. He -- he would absolutely use the product.**  
 8 Q. Why would he find useful application of your  
 9 product?  
 10 **A. Jake, as stated, is Jason Aldean's tour**  
 11 **manager. When the shooting started in Vegas, he ran**  
 12 **to the bus with his wife and an infant that happened**  
 13 **to be near the stage and -- and was on a bus that**  
 14 **took rounds during the actual shooting. So of**  
 15 **everybody in the industry right now, I think Jake**  
 16 **probably takes security as seriously, if not more**  
 17 **seriously, than -- than -- than anybody else.**  
 18 Q. How would your product assist him in  
 19 strengthening his security needs?  
 20 **A. I mean, there -- there's the -- there's all**  
 21 **the potential that we could identify a dangerous**  
 22 **criminal through databases. The other -- the other**  
 23 **use would be developing blacklists for artists like**  
 24 **Jason who are, you know, known stalkers or people**  
 25 **that have caused issues at his shows in the past and**

1 identifying them early.  
 2 Q. Why is he not currently using your product?  
 3 A. The ambiguity as far as the licensing issue  
 4 goes.  
 5 Q. How concerned is he about your ability to  
 6 install and use the product given the fact that you  
 7 do not have a qualified agent certification?  
 8 A. I mean, as far as, you know, again, my  
 9 technical ability, I don't think he has any doubts.  
 10 It's more of running into regulatory issues for the  
 11 tour.  
 12 Q. All right. Now, changing subject matters a  
 13 little bit. But before I do, I just want to  
 14 summarize, you now have demonstrated there is  
 15 interests from schools, security companies, places of  
 16 worships, and security directors for major artists;  
 17 all of whom are interested in utilizing your product  
 18 despite the fact that you don't have a certification?  
 19 A. Yes.  
 20 Q. All right. Now, you said that the reason why  
 21 you have not distributed the product and that they're  
 22 not using it is because of regulatory issues. Let's  
 23 talk about that just briefly just to -- to establish  
 24 a record on it. Are you familiar -- have you been  
 25 before the Board before?

1 A. I have.  
 2 Q. Were you before this board on June 22nd,  
 3 2017?  
 4 A. I was.  
 5 Q. Okay. And why did you go?  
 6 A. Out of an abundance of caution, I didn't want  
 7 to run into regulatory issues later so I came for  
 8 clarification from the Board.  
 9 Q. All right. Was that here and recorded and  
 10 transcribed?  
 11 A. It was.  
 12 Q. Have you reviewed copies of that transcript?  
 13 A. I have.  
 14 MR. BOUCEK: Your Honor, may I approach  
 15 the witness?  
 16 ADMINISTRATIVE JUDGE: Yes, you may.  
 17 MR. BOUCEK: I'm handing him a -- what's  
 18 to be marked as Exhibit 6. This is a transport of  
 19 the June 22nd hearing.  
 20 ADMINISTRATIVE JUDGE: I think it'll be  
 21 Exhibit 8, I believe --  
 22 MR. BOUCEK: Oh, excuse me. Did I say 6?  
 23 My mistake. It's marked as 8.  
 24 BY MR. BOUCEK:  
 25 Q. All right. Is that a copy of that

1 transcript?  
 2 A. It is.  
 3 MR. BOUCEK: We'll move to enter it into  
 4 evidence.  
 5 ADMINISTRATIVE JUDGE: It's marked as  
 6 Exhibit 8.  
 7 (WHEREUPON, the above-mentioned document  
 8 was marked as Exhibit Number 8.)  
 9 MR. BOUCEK: Well, with the Court's  
 10 permission, we'll hand out copies to the Board.  
 11 ADMINISTRATIVE JUDGE: Go ahead.  
 12 MR. HARBIN: I'm sorry.  
 13 CHAIRPERSON HIXSON: That's okay. Thank  
 14 you.  
 15 MR. COCKROFT: Thank you.  
 16 BY MR. BOUCEK:  
 17 Q. All right. When you went to this hearing,  
 18 did you describe the product much the same way you've  
 19 related it here today?  
 20 A. I did. I did.  
 21 Q. Did anyone there tell you whether or not you  
 22 needed to get a license?  
 23 A. I was told by Ashley Thomas that it was -- I  
 24 believe on page 87 that I -- I was -- she -- I  
 25 believe the exact quote was: To clarify, it's the

1 Board's opinion that you are an alarm system.  
 2 Q. All right. Do you -- you might as well just  
 3 go to page 87.  
 4 A. And in short, just to clarify the Board's  
 5 decision, it is that you -- your system does meet the  
 6 definition of alarm system and that you'll require a  
 7 licensure.  
 8 Q. Okay. What did you take that to mean?  
 9 A. That my system was -- did meet the minimum  
 10 criteria to be an alarm system; that I required  
 11 licensure.  
 12 Q. So that means that in your opinion you could  
 13 not distribute the product because you did not have a  
 14 license?  
 15 A. That's correct.  
 16 MR. HUFFMAN: Your Honor, we're gonna  
 17 object to the relevancy of this because Ashley Thomas  
 18 is not a board member. It's a -- and -- and also,  
 19 the evidence is about the system today, not what  
 20 happened in June of 2017.  
 21 MR. BOUCEK: If I may, Your Honor, at  
 22 this point in time, we're not wishing to litigate  
 23 what happened at the Board. We're really just trying  
 24 to establish a narrative. I mean, we're trying to  
 25 explain how we got to where we are today. And the

1 fact of the matter is he was told that; he walked out  
 2 of that with that impression, and we're just trying  
 3 to get the Board up to speed as to how we got here.  
 4 ADMINISTRATIVE JUDGE: Okay. Well,  
 5 listen, let's go ahead and move on here. I'm -- I'm  
 6 gonna sustain the objection here. But I'd also --  
 7 the Board can ask questions if they -- if there's --  
 8 need some clarification about what happened in the --  
 9 MR. BOUCEK: Sure.  
 10 ADMINISTRATIVE JUDGE: -- June hearing  
 11 here so let's just go ahead and move on.  
 12 BY MR. BOUCEK:  
 13 Q. Now, when you were at that hearing, did you  
 14 relate that you would not be installing cameras?  
 15 A. I did.  
 16 Q. How did that affect the characterization of  
 17 your system?  
 18 A. I -- in the Board's opinion that, I think,  
 19 they -- the implication was that I still required  
 20 licensure.  
 21 Q. Did you tell them you might just do  
 22 recommendations saying that we sure could use a  
 23 camera here, things of that sort?  
 24 A. I did.  
 25 Q. How did that affect the characterization of

1 A. Because I don't have a college degree.  
 2 Q. And what sort of training and experience  
 3 would you need to get during those five years?  
 4 A. So I mean, any -- any alarm experience: Door  
 5 sensors, window sensors, installing burglar alarms.  
 6 I believe in some cases, fire alarm systems.  
 7 Q. In what way is that similar to your product?  
 8 A. I don't believe it is -- it is at all.  
 9 Q. What would the cost be for you to become  
 10 licensed or to get your company licensed and you to  
 11 become a QA?  
 12 A. Just looking at the statute, I believe  
 13 conservatively somewhere in the neighborhood of \$2500  
 14 if you include courses and application fees.  
 15 Q. Did you consider some of the statutory or  
 16 regulatory exceptions that would allow you to install  
 17 even if you had what was categorized as alarm system?  
 18 A. We did.  
 19 Q. Did you meet any of those exceptions?  
 20 A. We did not.  
 21 Q. One of those exceptions is for a company that  
 22 does not provide monitoring services and has  
 23 \$50 million or more in annual sale and whose product  
 24 requires no internal wiring to install. Did you  
 25 consider that exception?

1 your system as an alarm system?  
 2 A. I did not seem to -- to sway their opinion.  
 3 Q. Do you have the ability to install cameras?  
 4 A. I do.  
 5 Q. Do you have the expertise to make  
 6 recommendations about how installation of cameras  
 7 would make your product function better?  
 8 A. I do.  
 9 Q. Would you be interested in making  
 10 recommendations part of your products and services?  
 11 A. I would.  
 12 Q. All right. Now, as a result of that hearing,  
 13 did you get a license?  
 14 A. I did not. And the reason we didn't pursue  
 15 licensure is that nobody in our company met the  
 16 minimum requirements that allow in the law for  
 17 licensure.  
 18 Q. What would it take for you to become a  
 19 qualified agent such that you could install the  
 20 product?  
 21 A. For me specifically, it would take five years  
 22 of alarm work. Or the other technical guy in our  
 23 company, it would take two years of alarm work  
 24 because he holds a master's agree.  
 25 Q. Why would it take you five years?

1 A. We did.  
 2 Q. Do you have any internal wiring?  
 3 A. We do not.  
 4 Q. What about your revenue stream?  
 5 A. It's not \$50 million.  
 6 Q. So why did you not think that you could  
 7 invoke this exception?  
 8 A. Solely because we don't have 50 million a  
 9 year in revenue.  
 10 Q. So if your business was big enough, then you  
 11 could do everything you want to do without meeting a  
 12 qualification?  
 13 A. That is correct.  
 14 Q. There's an exception for the monitoring and  
 15 minor maintenance of alarm systems by a hospital or  
 16 an affiliate of a hospital solely for its on use.  
 17 Did you consider whether or not you could invoke that  
 18 exception?  
 19 A. We did.  
 20 Q. And what did you conclude?  
 21 A. Because we weren't affiliated with a  
 22 hospital, it doesn't apply.  
 23 Q. Are you aware of any reason why a hospital  
 24 falling under this exception can install this product  
 25 better or more safely than you?

1 **A. I am not.**  
 2 Q. With -- returning to the first exception,  
 3 I -- I wanted to ask you: Are you aware of any  
 4 reason why a company that does \$50 million in sales  
 5 and falls under this exception can install your  
 6 product better or more safely than you?  
 7 **A. I am not.**  
 8 Q. One of the exceptions is for the sale or  
 9 installation of delayed egress locks by a company  
 10 when the locks are used to detect and monitor the  
 11 wandering of residents of a nursing home. Did you  
 12 consider whether or not you falled (sic) under that  
 13 exception?  
 14 **A. We did.**  
 15 Q. And why not?  
 16 **A. We don't because we're not associated with a**  
 17 **nursing home.**  
 18 Q. Is there any reason why a business falling  
 19 under that exception would be better or more safely  
 20 able to install your product than you?  
 21 **A. Not to my knowledge.**  
 22 Q. One exception is for telemarketers who don't  
 23 have access to confidential information regarding an  
 24 existing or proposed alarm system and are not subject  
 25 to regulation under these rules. Did you consider

1 whether or not you fell under that exception?  
 2 **A. We did.**  
 3 Q. And why do you not fall under that exception?  
 4 **A. We don't have a telemarketing part of our**  
 5 **company.**  
 6 Q. Are you aware of any reason why a company  
 7 falling under this exception can install your product  
 8 better or more safely than you?  
 9 **A. I am not.**  
 10 Q. One of the exceptions is for the manufacture  
 11 and sale of mobile homes which do contain an alarm  
 12 system. Did you consider whether or not you meet  
 13 that exception?  
 14 **A. We did?**  
 15 Q. And what did you conclude?  
 16 **A. Because we install in permanent structures,**  
 17 **it didn't apply to us.**  
 18 Q. Are you aware of any reason why a company  
 19 falling under this exception can install this pro- --  
 20 your product better or more safely than you?  
 21 **A. No.**  
 22 Q. A red light violation monitoring system can't  
 23 operate without a license either. That is another  
 24 exception. Did you consider whether or not you had  
 25 any ability to invoke that exception?

1 **A. We did.**  
 2 Q. And why did you not think that you could  
 3 invoke that exception?  
 4 **A. Because we don't deal with traffic signals.**  
 5 Q. Are you aware of any reason why a company  
 6 falling under this exception can install this  
 7 product -- your product better or more safely than  
 8 you?  
 9 **A. I am not.**  
 10 Q. Finally, an electrical, mechanical, or HVAC  
 11 contractor who is otherwise licensed under Chapter 6  
 12 who do direct sales, monitoring and installation of  
 13 maintenance services for alarm systems but derive  
 14 less than 50 percent of their gross annual revenue  
 15 from that business, that is another exception. Did  
 16 you consider whether or not you would fall under that  
 17 exception?  
 18 **A. We did.**  
 19 Q. Do you fall under that exception?  
 20 **A. We do not.**  
 21 Q. Are you aware -- why do you not fall under  
 22 that exception?  
 23 **A. Because we don't do HVAC work.**  
 24 Q. What about the gross annual revenue  
 25 component?

1 **A. We'd have to figure out a way to generate 50**  
 2 **percent of our revenue from something else.**  
 3 Q. Okay. So you'd have to make less than half  
 4 of your revenue from your product; is that correct?  
 5 **A. That is correct.**  
 6 Q. Are you aware of any reason why a company  
 7 falling under this exception can install your product  
 8 better or more safely than you?  
 9 **A. I am not.**  
 10 Q. What penalties would you face if you  
 11 distributed your product without a certification were  
 12 you determined to have an alarm system?  
 13 **A. 1- to \$5,000 fine, and I believe up to six**  
 14 **months in prison.**  
 15 Q. Is that for you personally?  
 16 **A. It is.**  
 17 Q. What about your company?  
 18 **A. I believe anybody that was -- that -- that**  
 19 **installed an alarm system without a license would be**  
 20 **subject to those fine -- those penalties.**  
 21 Q. Does an interest still exists for your  
 22 product?  
 23 **A. It does.**  
 24 Q. How do you know that?  
 25 **A. Just from kind of telling the story and**

1 talking to potential customers.

2 Q. Now, your conclusion that you needed to get a  
3 license or a certification before you could  
4 distribute this product, how has that impacted your  
5 business presently?

6 **A. Currently, we are not operational.**

7 Q. But for your understanding of the June 22nd,  
8 2017 hearing as directing you to obtain a  
9 certification or risk penalties, would you have sold  
10 or installed your product?

11 **A. We would have.**

12 MR. BOUCEK: Your Honor, may I just have  
13 one moment?

14 ADMINISTRATIVE JUDGE: Sure.

15 BY MR. BOUCEK:

16 Q. Did all of these events occur in the state of  
17 Tennessee?

18 **A. They did.**

19 MR. BOUCEK: Your Honor, I have no  
20 further questions of the witness at this time.

21 ADMINISTRATIVE JUDGE: Okay. Thank you.

22 Mr. Huffman, do you have any questions  
23 for this witness?

24 MR. HUFFMAN: Yes.

25 ///

1 ADMINISTRATIVE JUDGE: Yeah. I don't

2 think the hearing is relative to what we're doing  
3 today here is my opinion here. We're -- it's a  
4 hearing before the Board now. The -- according to my  
5 reading of the -- of the hearing transcript earlier,  
6 there was nothing ever done, said by the Board during  
7 that hearing. So I don't think that's relative at  
8 this time now so I'm just gonna sustain the  
9 objection.

10 BY MR. HUFFMAN:

11 Q. And also, is -- is your product operable  
12 today?

13 **A. I -- I mean, we have an operable software  
14 system but we have not put any in -- out in the  
15 public.**

16 Q. Thank you.

17 ADMINISTRATIVE JUDGE: Okay. Before I  
18 let the Board Members ask their questions here, do  
19 you want to redirect or anything?

20 MR. BOUCEK: No, Your Honor. I'm happy  
21 to let the Board go for --

22 ADMINISTRATIVE JUDGE: Okay. Chairperson  
23 Hixson, do you want to go ahead and start, or do you  
24 want to let...

25 CHAIRPERSON HIXSON: I don't -- you may

1 CROSS-EXAMINATION

2 QUESTIONS BY MR. HUFFMAN:

3 Q. I just -- a couple of clarifying questions.  
4 You said something about that you were gonna  
5 partnership with a CCTV company. Are you actually  
6 going to partner with that company?

7 **A. So I actually asked for clarification during  
8 the June 22nd hearing of where the line is between a  
9 joint venture and just a preferred vendor, and I'm  
10 still a little bit hazy on it. As we go down that  
11 road, we -- I -- I'd figure out where that  
12 distinction was and we would -- we'd work around  
13 it -- or work within the parameters of that  
14 distinction.**

15 Q. So you would partner with the CCTV company?

16 **A. I mean, as far as partnering, we -- we'd  
17 probably just have a preferred vendor that we would  
18 recommend to potential clients.**

19 Q. Okay. And also, you said that you felt like  
20 the Board said you needed to be licensed. Did the  
21 Board actually make a motion, second that motion, and  
22 then vote telling you that you needed to be licensed?

23 MR. BOUCEK: Your Honor, I thought there  
24 was an objection made and sustained on this exact  
25 basis.

1 object to what I'm going to say but I'll still go  
2 back to the meeting in June. You came in here and  
3 asked us if we thought you needed to be licensed.  
4 There was no vote taken. But in that transcript that  
5 day, you talk about installing, recommending,  
6 monitoring. And what is the purpose for having the  
7 system? I mean, what is the end purpose? Is it the  
8 protection of life and property because you can  
9 expand it to burglary suspects, robbers? Is that  
10 true?

11 **THE WITNESS: I -- I'm -- I guess I'm a  
12 little bit confused about what the specific question  
13 is.**

14 CHAIRPERSON HIXSON: I'm talking about  
15 you telling people that we said you couldn't do  
16 business in the state of Tennessee.

17 MR. BOUCEK: Your Honor, I thought this  
18 was the line of questioning that we were not allowed  
19 to explore.

20 CHAIRPERSON HIXSON: But this is my  
21 concern is every one of these exhibits that you've  
22 presented to Mr. Boucek says we told him he couldn't  
23 do that. We never told him he couldn't do anything.

24 MR. BOUCEK: Your Honor, with all due  
25 respect, I -- I'm happy to respond but I think that



1 the --

2 CHAIRPERSON HIXSON: But the -- but the  
3 exhibits all say we told him he couldn't take an  
4 action and do a thing and that's what I need  
5 clarification for because we didn't do that.

6 ADMINISTRATIVE JUDGE: Well, I understand  
7 that -- and you can -- and in your deliberations, you  
8 can talk about that among yourselves on the record  
9 here in your deliberations here. But let's just try  
10 to tailor the questions to what's going on today if  
11 we can for this -- for the purposes of the questions  
12 for today here. And then, like I said, in your  
13 deliberations, if you want to discuss the exhibits  
14 here, that's fine.

15 CHAIRPERSON HIXSON: Okay. Is your  
16 system limited to sex predators, your ability limited  
17 to sexual predators?

18 **THE WITNESS: It's not. The database can**  
19 **be customized to -- it's set to identify anybody that**  
20 **any --**

21 CHAIRPERSON HIXSON: So it can include  
22 robbery, burglary, theft, all other, correct?

23 **THE WITNESS: It could identify somebody**  
24 **that had been identified as a suspect in a crime like**  
25 **that, yes.**

1 CHAIRPERSON HIXSON: Okay. I have no  
2 other questions.

3 MR. COCKROFT: I've got some questions  
4 or --

5 CHAIRPERSON HIXSON: Go ahead.

6 MR. COCKROFT: Do you feel that your  
7 personal history has some -- that it -- that it has  
8 some relevance to how these -- these people's  
9 opinions and all of these statements are? I mean,  
10 I -- I think you're an upstanding person and that has  
11 a lot to do with probably their feelings of why they  
12 would still do business with you without being  
13 licensed. Do you feel your background has some input  
14 on that?

15 **THE WITNESS: I'm not -- I'm not sure I**  
16 **understand the question.**

17 MR. COCKROFT: Do you think if you were a  
18 sex predator, they would still feel the same way?

19 **THE WITNESS: I would hope not.**

20 MR. COCKROFT: Do you think that someone  
21 else, a competitor of yours, should be able to go  
22 into bus- -- into this business if there -- if -- say  
23 you have a competitor that's a sex predator, should  
24 he be able to install this type same system?

25 **THE WITNESS: I'm not a legislator.**

1 MR. COCKROFT: Could -- do you -- now, I  
2 think this was already asked, but can you get a  
3 license at this point?

4 **THE WITNESS: Based on the letter of law,**  
5 **nobody in my company qualifies for a license.**

6 MR. COCKROFT: Were you offered for the  
7 Board to accept your current experience?

8 **THE WITNESS: I was told I had to submit**  
9 **an application to the Board and pay -- pay the fees**  
10 **in a nonrefundable way before the Board would --**  
11 **before the Board would look at my experience.**

12 MR. COCKROFT: Did the Board not give you  
13 a highly -- or give you a recommendation that it  
14 would be highly likely that your experience would be  
15 accepted should you apply?

16 **THE WITNESS: That was -- I never -- I**  
17 **never construed it that way.**

18 MR. COCKROFT: I was trying to find it.  
19 I hadn't had time to go through the -- all of the  
20 record from the hearing, but I believe that was  
21 offered. I don't know if we can find it in the  
22 record.

23 ADMINISTRATIVE JUDGE: And again, if you  
24 want -- we'll have a chance to -- to recess before I  
25 give my charge here for y'all to review the evidence

1 here if that's what -- individually by yourselves  
2 here and then -- then we'll go back to the  
3 deliberation part of -- of the -- of the hearing  
4 today then. I don't think that's sort of be --

5 MR. COCKROFT: Okay.

6 ADMINISTRATIVE JUDGE: -- pointed it out  
7 if that's what you want to do.

8 MR. COCKROFT: One last question. There  
9 was a lot of discussion about all of these exceptions  
10 and could those companies that -- that met some of  
11 those exceptions, like a heating and air company, or  
12 a -- or a telemarketer, could they install the system  
13 better than you. Could they install under that  
14 exception? Could a telemarketer install your system  
15 under that exception?

16 **THE WITNESS: No. A telemarketer doesn't**  
17 **have the ability to install my system unless they**  
18 **have some, you know, significant technical --**  
19 **technical background.**

20 MR. COCKROFT: Through -- through  
21 licensure, are they able to install your system?

22 **THE WITNESS: I haven't researched the**  
23 **matter.**

24 MR. COCKROFT: And I -- I don't know  
25 where to go from there, but there were a number of

1 things mentioned that -- that those wouldn't be --  
 2 the person would not be able to install under that  
 3 exception. They -- they can only do their exception.  
 4 It -- it's like it was purported that all of those  
 5 things could be --  
 6 ADMINISTRATIVE JUDGE: Mr. Cockroft --  
 7 I'm sorry.  
 8 MR. COCKROFT: Cockroft, yes.  
 9 ADMINISTRATIVE JUDGE: Cockroft. That's  
 10 part -- so the -- the -- you need to reserve that --  
 11 I guess the argument made before the, like I said,  
 12 deliberation process --  
 13 MR. COCKROFT: Okay. Okay.  
 14 ADMINISTRATIVE JUDGE: -- if you want to  
 15 go to that part of the -- the hearing if --  
 16 CHAIRPERSON HIXSON: On behalf of the  
 17 Board, this is our first one of these declaratory  
 18 hearings so if we make mistakes, we're not trying to  
 19 be adversarial. We just don't know because this is  
 20 the first of this type of hearing for us.  
 21 ADMINISTRATIVE JUDGE: Well, I  
 22 personally -- see, this is my first declaratory  
 23 hearing I've had so we're on the same page.  
 24 CHAIRPERSON HIXSON: We're all in this  
 25 together.

1 ADMINISTRATIVE JUDGE: So -- exactly. So  
 2 we're trying to get our way through this here. But  
 3 we've got two good lawyers here to direct us here so  
 4 we'll -- we'll rely on them a lot.  
 5 But any other questions by the Board for  
 6 Mr. Jackson here?  
 7 Go ahead, Mr. Harvey.  
 8 MR. HARVEY: I have one question. I -- I  
 9 think -- I -- I think we've touched on this just a  
 10 little bit earlier today. And I know -- I know our  
 11 last meeting we did. At some point in your testimony  
 12 today, I heard you say that if a customer should need  
 13 assistance or needed guidance on where to place a  
 14 camera or some equipment that you would come and  
 15 offer that guidance for them. Is that true?  
 16 **THE WITNESS: We would do the -- the most**  
 17 **we could do while still working within the law.**  
 18 **That's something that we're kind of asking for**  
 19 **clarification on today.**  
 20 MR. HARVEY: Okay.  
 21 MR. COCKROFT: And you said in your  
 22 demonstration that it didn't require anything other  
 23 than plugging into the unit. Do you not have to have  
 24 acc- -- some sort of other access, or log-in, or  
 25 other information about the NVR to be able to do

1 that?  
 2 **THE WITNESS: So part of an RTSP address**  
 3 **is typically the username and password of the**  
 4 **individual camera or the DVR system.**  
 5 MR. COCKROFT: So do you not have to have  
 6 access to those things? If -- if that wasn't the  
 7 default password, would you not still have to have  
 8 access or be able to get into those devices?  
 9 **THE WITNESS: Yeah. We would need to get**  
 10 **that information from the system administrator or**  
 11 **whoever was responsible for the system.**  
 12 MR. COCKROFT: If they didn't know how to  
 13 do that, would you -- work on those systems, would  
 14 you go into the DVR, or the cameras, or --  
 15 **THE WITNESS: No, we would not. We'd**  
 16 **advised them to call the manufacturer.**  
 17 MR. FRAKER: Question that I -- may be  
 18 irrelevant, but what is your thought pattern on going  
 19 to market? As an owner myself of a security company,  
 20 are you trying to market your product to me for me to  
 21 in turn sell it to my customer, or are you trying to  
 22 go direct to customer?  
 23 **THE WITNESS: So our initially, our**  
 24 **initial go-to-market strategy would be direct to**  
 25 **customer and then we'd re-assess, you know, after**

1 **a -- a given time period.**  
 2 ADMINISTRATIVE JUDGE: Any other  
 3 questions by the Board Members?  
 4 CHAIRPERSON HIXSON: I don't think so.  
 5 ADMINISTRATIVE JUDGE: Okay. Mr. Boucek,  
 6 any kind of redirect?  
 7 MR. BOUCEK: Just -- just briefly, Your  
 8 Honor.  
 9  
 10 REDIRECT EXAMINATION  
 11 QUESTIONS BY MR. BOUCEK:  
 12 Q. You were asked some questions about if this  
 13 limited sex predators or potential applications was  
 14 the line of questioning as I understood it. In the  
 15 end, who is going to make the determination about  
 16 whether the individual in the notification is the  
 17 person that the system says they may be?  
 18 **A. The person receiving the alerts, so typically**  
 19 **a school administrator or somebody that acts in that**  
 20 **capacity.**  
 21 Q. Is the system making any sort of  
 22 representation that this is a burglar or this is a  
 23 sex predator?  
 24 **A. It's not. It just says the person resembles**  
 25 **a sex offender or a burglar.**



1 Q. And then who is the person that's gonna make  
2 that ultimate decision about whether this fits the  
3 characterization of a burglar or a sex predator?  
4 **A. The person receiving the alert; typically, a**  
5 **school administrator.**  
6 MR. BOUCEK: That's all I have.  
7 ADMINISTRATIVE JUDGE: Mr. Huffman,  
8 anything else?  
9 MR. HUFFMAN: No questions.  
10 ADMINISTRATIVE JUDGE: Okay. Thank you,  
11 Mr. Jackson.  
12 Let me ask before we go to the next  
13 witness here, it's 10:30, are y'all okay to go on?  
14 Do you need a break or anything, Board Members.  
15 CHAIRPERSON HIXSON: I think we'd like a  
16 15-minute break if --  
17 ADMINISTRATIVE JUDGE: Okay. We'll take  
18 about a 15-minute recess then.  
19 MR. BOUCEK: Thank you, Your Honor.  
20 (Short recess.)  
21 ADMINISTRATIVE JUDGE: Okay. We'll go  
22 back on the record then.  
23 Mr. Boucek, you can call your next  
24 witness.  
25 MR. BOUCEK: We will call John Cerasuolo.

1 ADMINISTRATIVE JUDGE: Please raise your  
2 right hand.  
3 (The witness was sworn.)  
4 ADMINISTRATIVE JUDGE: Okay. Thank you.  
5 Have a seat, sir.  
6  
7 \* \* \*  
8 JOHN CERASUOLO,  
9 was called as a witness, and having first been duly  
10 sworn, testified as follows:  
11  
12 DIRECT EXAMINATION  
13 QUESTIONS BY MR. BOUCEK:  
14 Q. Can you please state and spell your name?  
15 **A. First name John, J-O-H-N; last name**  
16 **Cerasuolo, C-E-R-A-S-U-O-L-O.**  
17 Q. What is your educational background?  
18 **A. I have a bachelor's degree in science from**  
19 **the US Naval Academy and a master of business from**  
20 **Clemson University.**  
21 Q. What is your occupation?  
22 **A. I'm currently the CEO of ADS Security**  
23 **headquartered here in Nashville.**  
24 Q. ADS Security, is that your employer?  
25 **A. Yes.**

1 Q. How long have you been employed by ADS?  
2 **A. Ten years.**  
3 Q. What is ADS Security?  
4 **A. We are the 19th largest security company in**  
5 **the United States. We have 24 offices across eight**  
6 **states in the southeast United States.**  
7 Q. So can you give us a sense as to how big ADS  
8 is?  
9 **A. Yeah. We have 450 employees. We monitor**  
10 **over 100,000 customers from our monitoring center,**  
11 **and install something around 10,000 systems a year,**  
12 **alarm systems a year.**  
13 Q. Did you say how many states you're in?  
14 **A. Eight states.**  
15 Q. How many locations do you have?  
16 **A. 24 locations.**  
17 Q. I believe you mentioned this a second ago  
18 but --  
19 **A. Uh-huh.**  
20 Q. -- does ADS, does that business include the  
21 installation of systems qualifying as alarms under  
22 Tennessee law?  
23 **A. Yes, it does.**  
24 Q. And what is your current position?  
25 **A. It's chief executive officer, CEO.**

1 Q. How long have you had that?  
2 **A. I've been CEO for about six years. I was**  
3 **president for four years prior to that.**  
4 Q. What are your duties in that position?  
5 **A. So I oversee all operations and -- across the**  
6 **entire organization: Our monitoring center, our**  
7 **installation and service operations, and all of our**  
8 **financial operations.**  
9 Q. How many employees did you say you had?  
10 **A. About 450.**  
11 Q. Are they all under you?  
12 **A. Yes.**  
13 Q. Does -- do those employees include certified  
14 or qualified agents in Tennessee?  
15 **A. Yes.**  
16 Q. And what sort of professional accolades have  
17 you garnered?  
18 **A. We were the 2014 national dealer of the year**  
19 **from SDM Magazine. They pick the best security**  
20 **company in the country each year. And we're a**  
21 **multiple title winner of many dealer of the year**  
22 **awards for manufacturers such as Honeywell.**  
23 Q. Do your regular daily duties include the  
24 monitoring and supervision of qualified agents in  
25 Tennessee?

1 A. Yes.  
 2 Q. How long --  
 3 A. Yes.  
 4 Q. -- how long have you been doing that?  
 5 A. Ten years.  
 6 Q. Have you overseen the installation of alarms?  
 7 A. Yes.  
 8 Q. How often?  
 9 A. It's a daily responsibility of mine to  
 10 oversee the installation of systems. I -- I am  
 11 present at some of the -- very small percentage of  
 12 those installations. I have spent some time in the  
 13 field but I'm responsible for all of them, all of  
 14 the -- somewhere around 10,000 per year.  
 15 Q. Somewhere around 10,000 per year, did -- did  
 16 I hear that right?  
 17 A. Yes.  
 18 Q. Do you understand the technology behind alarm  
 19 systems?  
 20 A. I do.  
 21 Q. Do you keep up with the technology?  
 22 A. I do.  
 23 Q. Have you ever been called upon by other  
 24 professionals in the field to offer up your opinion  
 25 on alarm systems?

1 A. Yes. I'm a regular speaker at industry  
 2 events where I'm often in that role.  
 3 MR. BOUCEK: Your Honor, at this point in  
 4 time, we would move that John Cerasuolo be declared  
 5 an expert in the field of alarm systems.  
 6 ADMINISTRATIVE JUDGE: Any objection, Mr.  
 7 Huffman?  
 8 MR. HUFFMAN: There's no objection.  
 9 ADMINISTRATIVE JUDGE: He's been  
 10 qualified as an expert.  
 11 BY MR. BOUCEK:  
 12 Q. Now, you say you're present in multiple  
 13 states. Do you oversee the alarm companies and alarm  
 14 systems installation in other states as well?  
 15 A. Yes.  
 16 Q. Do all of the states in which ADS is present  
 17 have mandatory certification or licensure laws?  
 18 A. No.  
 19 Q. What are some of the states that do not?  
 20 A. Kentucky is an example of a state that we  
 21 operate in that has no burglar alarm licensing.  
 22 Q. Now, returning to Tennessee, just to give us  
 23 an overview, how many categories of alarm system are  
 24 there?  
 25 A. Four.

1 Q. What are the four types?  
 2 A. Burglar alarm, CT, CCTV, fire alarm.  
 3 Q. And do each of those categories have separate  
 4 testing?  
 5 A. Yes. Yes.  
 6 Q. How does someone become certified as a  
 7 qualified agent?  
 8 A. Well, so there's a lot of study that has to  
 9 be met to meet the requirements of education, and --  
 10 and time, and experience in the business. They meet  
 11 those and -- and other qualifications, then they have  
 12 to study and take a -- an exam for burglar alarm and  
 13 fire alarms. It's a five-hour exam.  
 14 Q. Do you start out as a tech?  
 15 A. Generally, most of those qualify. They don't  
 16 necessarily have to but most of them do, yes.  
 17 Q. Who administers the training?  
 18 A. So there's lots of different ways you can  
 19 prepare for the exam. There is -- there's plenty of  
 20 opportunities for outside training. And a lot of the  
 21 training is done internally. We do a lot of the  
 22 training in-house.  
 23 Q. What sort of experience requirements are  
 24 there for someone to become certified?  
 25 A. So if you have a -- a bachelor's degree in

1 electrical engineering or industrial engineering,  
 2 then you need two years. If you have an associate's  
 3 degree -- I'm not sure of the characterization of  
 4 it -- you need four. And if you don't have a degree,  
 5 you need five years.  
 6 Q. You say your company does do some of the  
 7 training?  
 8 A. Yes.  
 9 Q. Are you familiar with the way in which your  
 10 company and other companies train?  
 11 A. Yes.  
 12 Q. Now, is there also a course that people must  
 13 satisfy?  
 14 A. Yeah. So all -- anyone involved in sales or  
 15 operations of security -- of an alarm company in  
 16 Tennessee has to go through a basic level of training  
 17 within their first year of hiring --  
 18 Q. Who would administer --  
 19 A. -- that would include the qualifying agent.  
 20 Q. Who administers that course?  
 21 A. Generally done by the state alarm association  
 22 or -- or -- or the national alarm association and  
 23 often through the state association. So in this  
 24 case, it'd be the Electronic Security Association  
 25 or -- and the Tennessee ESA, TNESA.

- 1 Q. Is there -- who makes up the -- that board --  
 2 or, excuse me, the association?  
 3 **A. So it's companies -- alarm companies across**  
 4 **the state are members.**  
 5 Q. Is there a national course that's  
 6 administered by the state associations?  
 7 **A. Yes.**  
 8 Q. Are you familiar with the test that Tennessee  
 9 requires?  
 10 **A. Yes. I've studied for and taken the test.**  
 11 Q. Is that -- is it mandatory that to become  
 12 certified you have to pass this test?  
 13 **A. Yes.**  
 14 Q. Who writes the test?  
 15 **A. We're -- it's written by the Electronic**  
 16 **Security Association.**  
 17 Q. Are you also familiar with the Tennessee  
 18 Alarm Systems Contractors Act of 1991?  
 19 **A. Yes.**  
 20 Q. Does that include the definitions of what an  
 21 alarm system is?  
 22 **A. Yes.**  
 23 Q. Does that include the exemptions from the  
 24 law?  
 25 **A. It does.**

- 1 Q. What was the purpose of the law?  
 2 **A. Extensively, the law was -- is to protect the**  
 3 **welfare of the citizens of Tennessee.**  
 4 Q. Is that how people in the business  
 5 consistently view the law's function?  
 6 **A. Yeah.**  
 7 Q. How do you know this?  
 8 **A. From extensive conversations with business**  
 9 **owners throughout Tennessee and across the southeast.**  
 10 Q. And what attitude are you referring to?  
 11 **A. So generally, the -- the characterization of**  
 12 **licensing regimes like the one in Tennessee is an**  
 13 **effort to reduce competition within that state.**  
 14 Q. How does a licensure or certification process  
 15 reduce competition?  
 16 **A. So I -- I can give an example -- and**  
 17 **there's -- there's lots of ways it does it, but**  
 18 **presenting barriers to new companies forming and**  
 19 **significantly to keep outside companies from**  
 20 **competing in Tennessee. So as an example: I have**  
 21 **a -- a friend who has a security company in Kentucky**  
 22 **where they don't have a licensing law, and he has a**  
 23 **customer with multiple locations including some in**  
 24 **Tennessee; he's not able to do work for his customer**  
 25 **in the location, a few locations they have in**

- 1 **Tennessee. He looked into getting a license and --**  
 2 **to getting licensed but it wasn't enough work to**  
 3 **warrant the cost and expense of doing it. So he has**  
 4 **to tell his customer to go find another contractor in**  
 5 **Tennessee to do the work. And -- and I've heard**  
 6 **business owners in Kentucky say we need a licensing**  
 7 **law here so we can keep Tennessee companies out of**  
 8 **Kentucky the same way Tennessee keeps Kentucky**  
 9 **companies out of Tennessee.**  
 10 Q. Thank you. Have you familiarized yourself  
 11 with Mr. Jackson's product?  
 12 **A. Yes.**  
 13 Q. Have you seen it demonstrated?  
 14 **A. Yes.**  
 15 Q. Were you, in fact, present for the  
 16 demonstration that was performed here today?  
 17 **A. Yes.**  
 18 Q. Have you also seen the demonstration on  
 19 what's been marked as Exhibit 2, that's the video of  
 20 the installation?  
 21 **A. Yes.**  
 22 Q. It's actually sitting right in front of you.  
 23 Do you recognize your initials on that item?  
 24 **A. I do.**  
 25 Q. And was that an accurate representation of

- 1 the product?  
 2 **A. Yes.**  
 3 Q. Now, I'm asking you for your expert opinion.  
 4 What is your expert opinion about whether this  
 5 product functions like an alarm system?  
 6 **A. My opinion is it in no way meets the criteria**  
 7 **for an alarm system.**  
 8 Q. We're gonna talk a little bit more of the  
 9 specific -- excuse me -- the specific definitions  
 10 here in a moment but I wanted to start with kind of a  
 11 30,000-foot view. What is your opinion about whether  
 12 the product even has any affect on public health,  
 13 safety, morals, or welfare?  
 14 **A. I think the product as described is a**  
 15 **significant product for organizations like schools**  
 16 **that under con- -- that are under constant threat to**  
 17 **-- to improve the safety, health, and welfare of**  
 18 **their students.**  
 19 Q. What is your expert opinion about whether  
 20 either the installation or utilization of that  
 21 public -- or of that product could ever have a  
 22 detrimental effect on any public health, safety,  
 23 moral, or welfare?  
 24 **A. I can't think of any way in which it would.**  
 25 Q. Now, let's contrast this with, say, a motion

1 sensor or burglar alarm. Can you come up with ways  
 2 that a defective installation might legitimately  
 3 affect a public interest?  
 4 **A. Yes.**  
 5 Q. And can you articulate that?  
 6 **A. Sure. So a -- an alarm system could be**  
 7 **installed in a way that create a -- could create a**  
 8 **fire hazard. An alarm system could be installed in a**  
 9 **way that could create some other hazards for em- --**  
 10 **employees, or residents in a home, or in a**  
 11 **institution like a school.**  
 12 Q. Now, you've familiarized yourself with  
 13 that -- Mr. Jackson's product. Is there any  
 14 foreseeable way in your expert opinion that his  
 15 product could ever present any kind of a risk of a  
 16 fire hazard?  
 17 **A. No.**  
 18 Q. And why is that?  
 19 **A. Because there's no power over the one wire**  
 20 **that he's connecting. It's a commonly used Cat 5**  
 21 **cable and there's simply no manner in which that**  
 22 **could create any kind of a hazard like that.**  
 23 Q. What is your expert opinion about how the  
 24 necessary training to install alarms in Tennessee  
 25 would affect the ability of a person to install or

1 **A. No.**  
 2 Q. What is your expert opinion about the impact  
 3 of the mandatory certification requirements on the  
 4 quality of alarm companies?  
 5 **A. So I have a lot of experience with other**  
 6 **alarm companies. We -- we are very active in**  
 7 **acquiring companies. We've acquired something like**  
 8 **25 companies in the last four years. And I meet with**  
 9 **business owners all the time of small companies**  
 10 **generally across all the states in the southeast.**  
 11 **And there's no relationship between -- in my mind**  
 12 **between the quality of the installation of the**  
 13 **companies that we meet with and systems that we take**  
 14 **over in states that have licensing regime versus ones**  
 15 **that don't.**  
 16 Q. Does that include installers?  
 17 **A. Yes.**  
 18 Q. Are you aware of a greater risk to the public  
 19 health, safety, morals, or welfare in those other  
 20 states?  
 21 **A. No.**  
 22 Q. In those other states that do not have a  
 23 mandatory license or certification, does ADS receive  
 24 more complaints from the public, customers, law  
 25 enforcement than in other states?

1 use Mr. Jackson's product?  
 2 **A. So being familiar with the amount of time and**  
 3 **study that's required and the testing regime in**  
 4 **place, there's nothing in that course of study or**  
 5 **examination that would qualify someone to plug in a**  
 6 **ethernet cable.**  
 7 Q. What is your opinion about how the necessary  
 8 coursework to install alarms in Tennessee would  
 9 affect the ability of a person to sell, or install,  
 10 or use Mr. Jackson's product?  
 11 **A. It's simply don't apply.**  
 12 Q. What is your opinion about how the requisite  
 13 testing to install alarms in Tennessee would have on  
 14 the affect of ability -- or the ability of a person  
 15 to install or use Mr. Jackson's product?  
 16 **A. There's no relationship between the testing**  
 17 **that's required and the ability to install that**  
 18 **product.**  
 19 Q. Are you familiar with alarm systems in other  
 20 states, including those with no certification  
 21 requirement?  
 22 **A. Yes.**  
 23 Q. Would the training, coursework, and testing  
 24 required and the utilization -- or, assist in the  
 25 utilization or installation of Mr. Jackson's product?

1 **A. No.**  
 2 Q. And that includes states where the installer  
 3 was unlicensed at the time?  
 4 **A. That's correct.**  
 5 Q. Do you ever take over systems where they were  
 6 installed by an unlicensed installer?  
 7 **A. Yes.**  
 8 Q. And you have unlicensed installers in other  
 9 states?  
 10 **A. We do.**  
 11 Q. Did you see any demonstrable difference in  
 12 the quality?  
 13 **A. No.**  
 14 Q. Do you see any demonstrable difference in the  
 15 impact on any public interest?  
 16 **A. No.**  
 17 Q. With regards to the existing systems that you  
 18 take over, do you get anymore complaints from the  
 19 public, customers, law enforcement about the systems  
 20 installed by an unlicensed person that take over?  
 21 **A. No.**  
 22 Q. Now, in your expert opinion, does Mr.  
 23 Jackson's product record, view, monitor, or protect  
 24 against, avoid or reduce the probability of personal  
 25 or property loss or injury resulting from fire,

1 smoke, heat, burglary, theft, shoplifting, pilferage  
 2 or other losses of that type?  
 3 **A. No.**  
 4 Q. And why not?  
 5 **A. It -- it -- it simply doesn't meet those**  
 6 **specific criteria. And it's pretty clear to me that**  
 7 **it's a -- a technology that has been developed since**  
 8 **that definition was created that it wasn't**  
 9 **contemplated to include. And it seems to take an**  
 10 **inordinate amount of stretching to even consider that**  
 11 **system to do any of those things.**  
 12 Q. Who makes the ultimate determination about  
 13 what to use with the information that Mr. Jackson's  
 14 product conveys?  
 15 **A. The person who is designated to receive that**  
 16 **alert.**  
 17 Q. In your opinion, does Mr. Jackson's product  
 18 make a representation that what it is doing is  
 19 reducing the probability of personal or property  
 20 loss?  
 21 **A. Mr. Jackson's system is a providing an alert**  
 22 **to someone in that organization for them to make that**  
 23 **determination.**  
 24 Q. And with regards to the applications, are  
 25 those applications -- they -- or excuse me. Strike

1 the question.  
 2 Is the technology designed to protect against  
 3 fire, smoke, heat, burglary, theft, pilferage or  
 4 other losses of that type?  
 5 **A. No.**  
 6 Q. I want to turn to the second definition. In  
 7 your expert opinion, does Mr. Jackson's product -- is  
 8 it -- does it monitor, detect, or prevent intrusions?  
 9 **A. No.**  
 10 Q. Why not?  
 11 **A. It -- it doesn't meet even a minimum criteria**  
 12 **for doing any of those things. It's simply providing**  
 13 **information to an administrator who then --**  
 14 Q. Who makes -- who makes the determination  
 15 about whether or not there has been an unlawful  
 16 entry?  
 17 **A. The person that receive -- that is designated**  
 18 **to receive the alert.**  
 19 Q. Does the system, itself, make a  
 20 representation that this has been an unlawful entry  
 21 or intrusion?  
 22 **A. No.**  
 23 Q. Turning to the third definition, in your  
 24 opinion, does Mr. Jackson's product detect and summon  
 25 aid for other emergencies?

1 **A. No.**  
 2 Q. Why not?  
 3 **A. It -- again, it is -- it's providing**  
 4 **information to an administrator for them to make a**  
 5 **decision. It doesn't summon anything.**  
 6 Q. Do you sell products that meet the definition  
 7 of monitoring, detecting, preventing intrusion?  
 8 **A. Absolutely, yes.**  
 9 Q. And what are those devices?  
 10 **A. So it's a whole range of devices. It could**  
 11 **be fire alarm systems, could be burglar alarm**  
 12 **systems, video systems; all designed with those**  
 13 **specific ends in mind.**  
 14 Q. How do they function?  
 15 **A. They -- a variety of ways. They're**  
 16 **electronic systems so it's interconnected. Detectors**  
 17 **in some sense. It could be a smoke detector or a**  
 18 **motion detector depending on what it is you're trying**  
 19 **to detect or they identify a condition. And once**  
 20 **that condition's identified, communicate that to a**  
 21 **monitoring center that can respond appropriately by**  
 22 **calling police or fire as necessary.**  
 23 Q. Okay. So how is the alert that it creates  
 24 different than what Mr. Jackson's system does?  
 25 **A. So a -- an example of a smoke detector, it's**

1 **detecting smoke in a building or a home and**  
 2 **communicating that condition to our monitoring system**  
 3 **operators who then pick up the phone, call 911 center**  
 4 **and dispatch the fire department.**  
 5 Q. So they take immediate action based on that  
 6 information?  
 7 **A. In that case, yes.**  
 8 Q. And the -- and the product in this case is  
 9 designed to do exactly that; is that right?  
 10 **A. That's exact -- that's exactly correct, yes.**  
 11 Q. It's creating an alert condition, have I  
 12 summarized you fairly?  
 13 **A. Yes.**  
 14 Q. Now, similarly, with detect and summon aid  
 15 for other emergencies, do you have products that are  
 16 designed to do that function?  
 17 **A. Detect and summon aid, certainly. So a**  
 18 **medical panic might be an example of summoning aid**  
 19 **where someone pushes a medical panic -- medical**  
 20 **button or a panic button in a -- in a convenient**  
 21 **store where they would be, we would again be**  
 22 **responding to get aid to those individuals.**  
 23 Q. How does the information that the alert  
 24 condition creates in that application different from  
 25 what Mr. Jackson's product does?



1 A. Well, again, a -- so a customer pushes a  
 2 panic button in a convenient store; that transmits an  
 3 alarm directly to our receive in our monitoring  
 4 center. Our operator receives that alarm and  
 5 calls -- again, calls the 911 center to alert the  
 6 police to that location.  
 7 Q. And that's what it's designed to do, create  
 8 an alert condition?  
 9 A. Yes.  
 10 Q. Do you see other products come into the  
 11 market that are similar in many ways to Mr.  
 12 Jackson's?  
 13 A. So there -- there's a extraordinary amount of  
 14 development going on in video analytics so there's a  
 15 lot. Mr. -- Mr. Jackson's product is certainly  
 16 unique and does some unique things, but there's a  
 17 extraordinary amount of development in general going  
 18 on in video analytics to -- to use the output of a  
 19 camera to identify things: Everything from heat  
 20 patterns for traffic in a convenient -- in a store  
 21 where you might want to know what products people are  
 22 stopping in front of to counting people that walk  
 23 through the door to a whole -- to -- in some cases if  
 24 someone put -- drops a briefcase and walks away, it  
 25 could identify that so there's a lot of really

1 interesting development going on in video analytics.  
 2 Q. So help me understand. These are similar to  
 3 Mr. Jackson's product in your opinion because they  
 4 run through existing video cameras and then they  
 5 provide instant information to an end user that is  
 6 the one that makes an application of that?  
 7 A. That's correct. And -- and again, it's a  
 8 broad -- broad variety of development but I -- I  
 9 think you characterized it well.  
 10 Q. And does that involve analytics software?  
 11 A. Yes, in many case -- in most -- in all cases  
 12 for that.  
 13 Q. So that's just simply a software product as  
 14 well?  
 15 A. Yep. And in some cases, it's a separate  
 16 software product. And in some cases, it might be  
 17 embedded in a camera but it's a software product.  
 18 Q. Do you see any reason why those sorts of  
 19 analytics software are anymore of an alarm system to  
 20 Mr. Jackson's product?  
 21 A. It depends on how they're -- how they're  
 22 designed and developed. But as a -- as a standalone  
 23 software that takes the output of a camera, in -- in  
 24 some cases it's gonna be similar. In some cases if  
 25 it's embedded in a camera, it -- it -- it might have

1 different characteristics. But that -- that's the --  
 2 the challenge with all this new technology and  
 3 development going on, it's very difficult to  
 4 categorize it in some of the old ways that we  
 5 discussed and consider it security systems.  
 6 Q. What about other technologies or existing  
 7 apps -- apps like we have on our phone, can you think  
 8 of any of those?  
 9 A. Yeah. There's a whole range of new products  
 10 residential -- for residential and commercial  
 11 applications from doorbell cameras and -- and small  
 12 little cameras that folks have in their home to a  
 13 whole range of new developments going in among  
 14 commercial products. So the -- it's a -- it's a  
 15 rapidly-changing field. There's probably more change  
 16 and disruption going on in our industry in terms of  
 17 technology in the last five years than there has been  
 18 in the 10 to 20 years before.  
 19 Q. And do you see any way to shoehorn the  
 20 existing definitions of an alarm system upon those  
 21 technical applications?  
 22 A. So I think it's pretty clear from someone  
 23 who's been in the industry a long time that those --  
 24 the definitions are outdated. And it's -- it's very  
 25 easy to think of new technologies that are coming up

1 that simply don't fit in the descriptions that  
 2 we're -- like those in the description of an alarm  
 3 system in a -- in the code.  
 4 Q. Are there apps that you have on your phone  
 5 that are software that monitor your movement and  
 6 provide you information based on that?  
 7 A. Sure. So we have a lot of customers, and  
 8 myself included, that have systems that are capable  
 9 of having cameras that might send you a video clip  
 10 whenever there's motion in front of it, or a doorbell  
 11 camera for when a -- someone leaves a package at your  
 12 door so those are very, very common today.  
 13 Q. Do you ever use Yelp?  
 14 A. Yes.  
 15 Q. Does (sic) Yelp capable of telling you where  
 16 you stand and give you information about what's  
 17 around you?  
 18 A. Yep, sure is.  
 19 Q. What about Waze?  
 20 A. All the time, yep.  
 21 Q. Can you think of any way in which things such  
 22 as Tennessee's mandatory certification process  
 23 facilitates either the installation or utilization of  
 24 any of these emergent technologies?  
 25 A. No.

1 Q. So forcing somebody to undergo that process  
 2 would not make the product any cheaper, better, or  
 3 more effective, or safer; is that fair?  
 4 **A. That's fair. And I think it's -- it's pretty**  
 5 **obvious in this case when you look at the**  
 6 **installation of that system that burdening a business**  
 7 **with going through the requirements do nothing to**  
 8 **further public interest and -- and -- and only harm**  
 9 **it by making it more expensive for that system to be**  
 10 **purchased by consumers in Tennessee.**  
 11 Q. Now, are you too aware that Tennessee alarm  
 12 systems laws has any number of special exemptions in  
 13 it for certain companies?  
 14 **A. Yes, I am.**  
 15 Q. Are you aware of the exemption that allows a  
 16 company that does not provide monitoring service and  
 17 has \$50 million or more in annual sales whose  
 18 product requires no internal building wiring to  
 19 install?  
 20 **A. Yes.**  
 21 Q. In your opinion, does a company meeting that  
 22 exemption resemble Mr. Jackson's?  
 23 **A. So it -- it is hard to understand why an**  
 24 **exemption like that would exist. And they -- the**  
 25 **mere fact of having a certain amount of revenue makes**

1 **an organization no more capable of installing a**  
 2 **system than a company with less revenue.**  
 3 Q. Does Adam's system -- or excuse me, Mr.  
 4 Jackson's system, as you understand it, require  
 5 internal building wiring to install?  
 6 **A. It does not, no.**  
 7 Q. And is he providing what you would  
 8 characterize as a monitoring service?  
 9 **A. No.**  
 10 Q. So the only reason why this exception doesn't  
 11 apply to him is strictly because he does not do  
 12 \$50 million in sale (sic)?  
 13 **A. That's correct.**  
 14 Q. Does this sort of a company more directly  
 15 affect public health, safety, morals, or welfare than  
 16 Mr. Jackson's?  
 17 **A. No.**  
 18 Q. Another one would be electrical, mechanical,  
 19 or HVAC contractors who are licensed and do not  
 20 provide direct sales, monitoring, or installation, or  
 21 maintenance of alarm systems. In your com- -- in  
 22 your opinion, does a company that meets this  
 23 exemption affect more directly public health, safety,  
 24 morals, or welfare than Mr. Jackson's?  
 25 **A. Absolutely. It, again, is -- there's -- it's**

1 **hard to imagine a justification if the licensing**  
 2 **requirements are so important to the health, and**  
 3 **safety, and welfare of Tennessee citizens why the**  
 4 **fact that a company happens to also do HVAC work make**  
 5 **that less important for their customers.**  
 6 Q. To conclude here briefly, what is your  
 7 opinion about whether Mr. Jackson's product is an  
 8 alarm system?  
 9 **A. My opinion is that it -- Mr. Jackson's system**  
 10 **is not an alarm system.**  
 11 MR. BOUCEK: May I just have one moment,  
 12 Your Honor?  
 13 ADMINISTRATIVE JUDGE: Sure.  
 14 MR. BOUCEK: Your Honor, we'll tender the  
 15 witness at this time.  
 16 ADMINISTRATIVE JUDGE: Okay. Thank you.  
 17 Okay. Mr. Huffman, do you have any  
 18 questions for --  
 19 And, sir, please pronounce your name  
 20 again one more time, please.  
 21 **THE WITNESS: Certainly, Cerasuolo. And**  
 22 **I'm --**  
 23 ADMINISTRATIVE JUDGE: Cerasuolo. Okay.  
 24 Thank you, sir.  
 25 **THE WITNESS: No problem.**

1 ADMINISTRATIVE JUDGE: Any questions, Mr.  
 2 Huffman, for Mr. Cerasuolo?  
 3 MR. HUFFMAN: We do not have any  
 4 questions.  
 5 ADMINISTRATIVE JUDGE: Okay. Thank you.  
 6 Okay. Members of the Board, do you have  
 7 any questions for Mr. Cerasuolo.  
 8 MR. COCKROFT: I have a couple.  
 9 Do you have any?  
 10 CHAIRPERSON HIXSON: Go ahead.  
 11 MR. COCKROFT: Do you do video monitoring  
 12 at your company?  
 13 **THE WITNESS: We do.**  
 14 MR. COCKROFT: How would you compare that  
 15 to this product and how are they different?  
 16 **THE WITNESS: So the video monitoring we**  
 17 **do is tied in with an alarm system. So it -- we call**  
 18 **it video verification. So if a customer had, for**  
 19 **example, a warehouse door in a commercial building**  
 20 **and we received an alarm from that door -- let's say**  
 21 **the system was armed; it was on a middle of the night**  
 22 **or weekend, our operators would get a video clip from**  
 23 **a camera looking at that door to identify what the**  
 24 **conditions was to help them with response and to**  
 25 **provide that information to the 911 center when we**



1 call them.

2 MR. COCKROFT: Do you do any that has  
3 analytics in it such as like Videofied or CheckVideo  
4 or anything like that?

5 **THE WITNESS: We don't.**

6 MR. COCKROFT: Okay. If -- if you did,  
7 do you think those would be similar or would -- would  
8 have any -- how do you feel those compare to Mr.  
9 Jackson's product?

10 **THE WITNESS: So I'm not sure I**  
11 **understand what --**

12 MR. COCKROFT: Are you familiar with  
13 Videofied and the CheckVideo?

14 **THE WITNESS: I know -- I know -- I do**  
15 **not know CheckVideo. I've heard of Videofied and**  
16 **I've seen a demo of their product. But we don't use**  
17 **it and I'm not -- I'm not -- I don't know that I'm an**  
18 **expert enough in it to comment.**

19 MR. COCKROFT: Okay. On -- and at some  
20 of the stuff you were talking about, you'd make --  
21 you'll do an alert or you'll -- you get an alert and  
22 you'll then you notify someone. Do you not at --

23 **THE WITNESS: Right.**

24 MR. COCKROFT: Do you at times ever have  
25 where you call the subscriber and they make a

1 decision on what to do on those alerts?

2 **THE WITNESS: Yes. So in -- in some**  
3 **cases, depending on the type of alert device and the**  
4 **condition, sometimes we call a 911 center directly,**  
5 **and sometimes we would call a call list for the**  
6 **subscriber. And it's -- it's an effort to reduce**  
7 **false alarms. So -- and we call the subscriber**  
8 **and -- to determine if they know if it was a false**  
9 **alarm. Sometimes folks will open their door and come**  
10 **home and not realize they armed their alarm system**  
11 **and not get to it in time and -- so we'll call to**  
12 **verify before we'll -- in that case before we'll call**  
13 **the police.**

14 MR. COCKROFT: So the -- in those cases,  
15 you're not always purporting that -- that the person  
16 on the scene is a criminal? It -- you're leaving  
17 some of that up to the -- the homeowner, or business  
18 owner, or --

19 **THE WITNESS: Well, so it's not so much**  
20 **as the person. It's to identify if the consumer,**  
21 **themselves, tripped the alarm as opposed to an**  
22 **intruder.**

23 MR. COCKROFT: Okay. On -- and you  
24 mentioned something about you don't think any of the  
25 training would be applicable. Do you think -- I

1 mean, is this product like IP-based uses -- since it  
2 uses Easter -- ethernet, it would use networking and  
3 stuff like that?

4 **THE WITNESS: Are you talking about the**  
5 **product?**

6 MR. COCKROFT: The product --

7 **THE WITNESS: You're talking about --**

8 MR. COCKROFT: -- right.

9 **THE WITNESS: You're talking about Mr.**  
10 **Jackson's product? So it -- it -- you'd connect an**  
11 **ethernet cable to direct the video feed to the**  
12 **software.**

13 MR. COCKROFT: Do any of your technicians  
14 deal with stuff like that when they put in the camera  
15 system or --

16 **THE WITNESS: Sure. It's a -- that's**  
17 **a -- I would describe it as an ancillary part of**  
18 **installing the video system, connecting an ethernet**  
19 **cable. So they -- they certainly do that.**

20 MR. COCKROFT: Is there not training  
21 that's part of what you do to be a qualified agent  
22 that covers things like that?

23 **THE WITNESS: Well, I'm -- connecting an**  
24 **ethernet cable is -- is probably something we just**  
25 **ass- -- is something we assume any employee in an**

1 **organization would be able to do without any kind of**  
2 **training.**

3 MR. COCKROFT: You don't give your  
4 employees any training for IP -- to connect an MVR to  
5 the network or --

6 **THE WITNESS: Sure. So the -- the --**  
7 **dealing with the software and setting up the software**  
8 **is part of our training that we get, not the**  
9 **connection of the ethernet cable. Again, that's**  
10 **pretty routine.**

11 MR. COCKROFT: But you don't think that  
12 has any application whatsoever to Mr. Jackson's  
13 product, to -- to be able to have knowledge of  
14 networking?

15 **THE WITNESS: So I -- so having seen**  
16 **his -- the installation of his product, there's**  
17 **nothing that we would do in the training of our**  
18 **employees that would make -- and any user to do what**  
19 **he did in his demonstration and what I saw in that**  
20 **video.**

21 MR. COCKROFT: Okay. And if -- if  
22 someone was installing the system and they're  
23 installing it in schools and we're protecting kids,  
24 do you think that it would be good if they were a sex  
25 predator, if they, themselves, because they could

1 take themselves out of the system and do things like  
2 that?

3 **THE WITNESS: No. I don't think it would**  
4 **be good if a sex predator had access to a system that**  
5 **was designed to protect a school.**

6 MR. COCKROFT: Could a -- could a sex  
7 predator work in your business with the -- or could  
8 they get licensed with your business in Tennessee?

9 **THE WITNESS: It depends on the decision**  
10 **of the Board. But anyone that doesn't meet the**  
11 **criteria would have to get approved by the Board.**

12 MR. COCKROFT: Okay. That's all I have.

13 CHAIRPERSON HIXSON: You named three of  
14 the categories a while ago that are covered by the  
15 Alarm Systems Contractors Board. You named, I  
16 believe, burglary, fire, CCTV. What's the fourth  
17 one?

18 **THE WITNESS: I just lost my mind.**

19 CHAIRPERSON HIXSON: Okay. What  
20 organizations do you have ties with outside of your  
21 position with ADS?

22 **THE WITNESS: I'm the chairman of the**  
23 **Beacon Center of Tennessee.**

24 CHAIRPERSON HIXSON: Okay. I think Mr.  
25 Cockroft covered part of this, but you do admit that

1 Mr. Jackson's system does send alerts if a match is  
2 made; is that correct?

3 **THE WITNESS: It sends a notification to**  
4 **the --**

5 CHAIRPERSON HIXSON: An alert --

6 **THE WITNESS: -- administrator?**

7 CHAIRPERSON HIXSON: A notification. And  
8 this is very much like if I set my alarm off or one  
9 of my family or friends sets my alarm off, it's me as  
10 the end user to decide whether or not I have an  
11 emergency, correct?

12 **THE WITNESS: And so we -- it's up to the**  
13 **end user to -- to tell us if they mistakenly set off**  
14 **the alarm. If they didn't, we'd dispatch.**

15 CHAIRPERSON HIXSON: But it would  
16 ultimately be my decision if I was a school  
17 administrator as to what action to take on facial  
18 recognition, correct?

19 **THE WITNESS: Correct.**

20 CHAIRPERSON HIXSON: Okay. What would be  
21 the purpose of his software being installed anywhere?

22 **THE WITNESS: To reduce the risk to that**  
23 **site for --**

24 CHAIRPERSON HIXSON: For what?

25 **THE WITNESS: -- a sexual predator. Or**

1 **as he mentioned, in a concert for someone who might**  
2 **be involved in a mass shooting.**

3 CHAIRPERSON HIXSON: So --

4 **THE WITNESS: So --**

5 CHAIRPERSON HIXSON: -- would that  
6 include public safety?

7 **THE WITNESS: Of course, yes.**

8 CHAIRPERSON HIXSON: I have no more  
9 questions.

10 What other -- oh, yeah, on doorbell  
11 cameras, who installs doorbell cameras predominately  
12 in this industry and today?

13 **THE WITNESS: So consumers install most**  
14 **of them. And security companies install a number of**  
15 **them. It depends. Some of them can be standalone**  
16 **devices; some of them can be integrated into a**  
17 **security system.**

18 CHAIRPERSON HIXSON: Okay.

19 MR. HARVEY: Real quick. I think -- I  
20 think I want to ask Mr. Crosscroft's (sic) question a  
21 little bit differently than he did. I -- I think I  
22 completely understand how Mr. Jackson's system works  
23 and how it's set up. Knowing what we know and you  
24 being the expert in the industry, would you not agree  
25 that if we walked in on an existing system to install

1 his software, wouldn't you agree that certain cameras  
2 are gonna need adjusting, maybe re- -- re- --  
3 repositioned to -- to make the software work the most  
4 efficiently that it could?

5 **THE WITNESS: So a camera that has a good**  
6 **clear view of the face depending on the conditions**  
7 **will function best and be more likely to make a match**  
8 **when appropriate, uh-huh.**

9 MR. HARVEY: So it possibly could take  
10 some adjusting, and repositioning, or working with  
11 the camera in some way to get the best outcome that  
12 we could with that. And with that --

13 **THE WITNESS: It could.**

14 MR. HARVEY: -- with that said, you being  
15 in the industry and knowing what -- what you put your  
16 own employees through in training, and qualifying,  
17 and insurance, and bonding, and so on and so forth,  
18 would you -- you, as the customer, would you not feel  
19 more comfortable if a trained, qualified technician  
20 was working on that video system to get the peak  
21 performance out of it rather than someone that's not  
22 in our system at all?

23 **THE WITNESS: Sure. So someone who is**  
24 **trained in the positioning of those cameras is better**  
25 **suited to accomplish that than someone who's not**

1 trained in how to position a camera.

2 MR. HARVEY: Okay. And I think just --  
3 just for the record, I -- I -- I know that CCTV is a  
4 category in which we license in but we -- we keep  
5 referring back to the alarm system today. I think,  
6 really, we're referring to the CCTV category, but  
7 that hasn't been brought up here today. I thought  
8 I'd bring that up. So thank you.

9 ADMINISTRATIVE JUDGE: Any further  
10 questions by the Board?

11 CHAIRPERSON HIXSON: I have one other  
12 question. On the training -- now, let's go back to  
13 that issue. Are there independent companies that  
14 provide training for these different certifications  
15 in Tennessee?

16 **THE WITNESS: Sure, continuing education**  
17 **training in particular but, yes, there are.**

18 CHAIRPERSON HIXSON: But also the -- the  
19 basic requirements --

20 **THE WITNESS: Uh-huh.**

21 CHAIRPERSON HIXSON: -- those are  
22 independent companies, those are not state companies  
23 that issue these training classes, correct?

24 **THE WITNESS: That is correct.**

25 CHAIRPERSON HIXSON: Okay. I just wanted

1 to clarify that because you mentioned TNESA and state  
2 courses, but there are independent companies in  
3 business in Tennessee that can administer these  
4 tests --

5 **THE WITNESS: Yes.**

6 CHAIRPERSON HIXSON: -- and training?

7 **THE WITNESS: Uh-huh.**

8 CHAIRPERSON HIXSON: Okay. Thank you.

9 ADMINISTRATIVE JUDGE: Anything further?  
10 (No response.)

11 ADMINISTRATIVE JUDGE: Okay. Any  
12 redirect?

13 MR. BOUCEK: Just briefly, Your Honor.

14

15 REDIRECT EXAMINATION

16 QUESTIONS BY MR. BOUCEK:

17 Q. Mr. Cerasuolo, you were asked a couple of  
18 questions and I just want to provide a little  
19 follow-up. One of the questions pertains to whether  
20 or not you ever call customers when you get an alert  
21 condition. Do you recall that question?

22 **A. Yes. Uh-huh.**

23 Q. What -- what happens if the customer does not  
24 answer?

25 **A. We call the police or the fire department,**

1 Q. And when you are calling that customer, what  
2 are you telling them?

3 **A. We're telling them -- it -- it depends on the**  
4 **circumstances but, generally, we would tell them we**  
5 **have an alarm from your home from your front door;**  
6 **are you; did you -- are you having a problem with the**  
7 **system; is everything okay. If they tell us their**  
8 **password and they say I was just slow to get to my**  
9 **keypad, then we disregard the alarm.**

10 Q. But the alarm has already indicated that  
11 there is some kind of unlawful intrusion in there,  
12 correct?

13 **A. That's correct, or in -- yes.**

14 Q. Now, the end user might have the capacity to  
15 delay that on the back end, but isn't it true that  
16 you have already created an alert condition?

17 **A. Yes. And if -- and if they don't answer**  
18 **their phone, we call the police.**

19 Q. Isn't it also true that these are systems  
20 that are already already functioning as an alarm?

21 **A. That's correct.**

22 Q. And how are they already functioning as an  
23 alarm?

24 **A. Well, they -- they -- they meet the**  
25 **definition of alarm. They are -- they are an armed**

1 **system that's identifying a door, a window; some --**  
2 **some device being tripped by someone while the system**  
3 **is armed.**

4 Q. You were also asked a question about whether  
5 or not you provide training and connecting to IP and  
6 whether or not that would be helpful to what Mr.  
7 Jackson does. Do you recall that question?

8 **A. Yes.**

9 Q. I believe your answer was that you did not  
10 think that would be terribly relevant to what Mr.  
11 Jackson was. But assuming for a moment -- putting  
12 that aside, that for a moment, what percentage of the  
13 actual training that you offer in the total training  
14 package is dedicated to connecting to IP?

15 **A. Zero.**

16 Q. Okay. So very, very little, if any?

17 **A. (Nods head affirmatively.)**

18 Q. Is that fair?

19 **A. Yes. Yes.**

20 Q. Do you also give your employees training in  
21 things that have nothing to do with alarm systems?  
22 For instance, let me ask you this: Do you give  
23 training in customer service?

24 **A. Yes, of course.**

25 Q. Is that an alarm system? Does that make them

1 an alarm system?  
 2 **A. No.**  
 3 Q. So you provide training in things that are  
 4 not necessarily, strictly speaking, pertinent to the  
 5 installation of on alarm system?  
 6 **A. Yes, of course.**  
 7 Q. You were also asked a question about would  
 8 you employ a sex predator. My question to you is, do  
 9 you have employees that are only alarm system  
 10 installers?  
 11 **A. Yes.**  
 12 Q. Do you have secretarial personnel?  
 13 **A. Yes.**  
 14 Q. Do you have attorneys?  
 15 **A. Yes.**  
 16 Q. Would you be equally reluctant to employ a  
 17 sex predator at any of those positions as you would  
 18 an alarm installer?  
 19 **A. Yes, of course. And -- and we have ways to**  
 20 **ensure that's not the case.**  
 21 Q. You were also asked a question about your  
 22 involvement with Beacon Center, which is, of course,  
 23 where I work. Why are you the chairman for the  
 24 Beacon Center?  
 25 **A. So I'm a chairman of the Beacon Center**

1 **industry and from our business so that we would have**  
 2 **the opportunity to resell this product at a profit.**  
 3 MR. BOUCEK: I think that's all I have,  
 4 Your Honor.  
 5 ADMINISTRATIVE JUDGE: Mr. Huffman, do  
 6 you have anything, re- -- recross?  
 7 MR. HUFFMAN: No, we don't have any  
 8 questions.  
 9 ADMINISTRATIVE JUDGE: Okay. Board  
 10 Members, are we through with this witness?  
 11 CHAIRPERSON HIXSON: Yes, sir.  
 12 ADMINISTRATIVE JUDGE: Okay. Thank you,  
 13 sir.  
 14 Mr. Boucek, any other witnesses?  
 15 MR. BOUCEK: Yes. We'll call Ms. Cody  
 16 Vest briefly.  
 17 (The witness was sworn.)  
 18 ADMINISTRATIVE JUDGE: Okay. Thank you.  
 19 Have a seat, ma'am.  
 20 ///  
 21 ///  
 22 ///  
 23 ///  
 24 ///  
 25 ///

1 **because I believe in the mission of the Beacon Center**  
 2 **and their efforts to ensure individual liberty and**  
 3 **free markets in Tennessee.**  
 4 Q. Is it -- does your involvement with the  
 5 Beacon Center change your opinion?  
 6 **A. No. I'm -- I have an opinion. And -- and my**  
 7 **work on the Beacon Center is because I believe in its**  
 8 **mission.**  
 9 Q. So Beacon Center didn't cause you to think a  
 10 certain way; you think a certain way because you're  
 11 affiliated with the Beacon Center, do I have that  
 12 correct?  
 13 **A. That -- that's -- that's absolutely correct.**  
 14 Q. Have we offered you any compensation in  
 15 exchange for your testimony here today?  
 16 **A. No.**  
 17 Q. Are you, in fact, burdening yourself by  
 18 getting off work and coming here?  
 19 **A. Yes.**  
 20 Q. Now, also, the -- it may be self-explanatory,  
 21 but does it actually in some ways act counter to your  
 22 interests to make it so Mr. Jackson can offer to have  
 23 a license?  
 24 **A. Sure. So a lot of people in positions like**  
 25 **mine would hope to restrict Mr. Jackson from our**

1 \* \* \*  
 2 CODY VEST,  
 3 was called as a witness, and having first been duly  
 4 sworn, testified as follows:  
 5  
 6 DIRECT EXAMINATION  
 7 QUESTIONS BY MR. BOUCEK:  
 8 Q. Morning, Ms. Vest.  
 9 **A. Morning.**  
 10 Q. How are you today?  
 11 **A. Oh, I'm fine. Thank you.**  
 12 Q. I just have a few brief questions. My main  
 13 function is I want to -- I want to have a couple of  
 14 documents admitted through evidence for you. But  
 15 while you're here, let me just for the record  
 16 clarify, in Tennessee, does a person need a  
 17 certification to install alarms?  
 18 **A. If they meet the requirements, yes.**  
 19 Q. But I mean, is there a requirement that you  
 20 obtain the certification --  
 21 **A. Certification first.**  
 22 Q. -- before you -- is that -- is that correct?  
 23 **A. Correct.**  
 24 Q. And you need to have a qualified agent before  
 25 you can have a licensed company; is that correct?

1 **A. You have a licensed company and a qualifying**  
 2 **agent, correct.**  
 3 Q. And are there penalties if you practice or  
 4 install alarms without a certification?  
 5 **A. Yes.**  
 6 Q. When you find out about people who are  
 7 operating without a license or a certification who  
 8 need one, what sort of enforcement actions do you  
 9 customarily take?  
 10 **A. Well, I'm usual- -- usually notified of**  
 11 **unlicensed activity, and then a complaint will be**  
 12 **established. And then it'll go through the complaint**  
 13 **system. Then it'll go to the attorneys and it may**  
 14 **even be -- come before the Board.**  
 15 Q. Does that include cease and desist orders?  
 16 **A. It could, yes, sir.**  
 17 Q. What about civil penalties?  
 18 **A. Yes, sir.**  
 19 Q. We've conducted a deposition of you before  
 20 too; is that right?  
 21 **A. That's correct.**  
 22 Q. And I just want to get this entered into  
 23 evidence for the sake of the record. I'm handing you  
 24 what we've marked as Exhibit 9.  
 25 MR. BOUCEK: This is a copy of her

1 that right?  
 2 **A. Besides this one, yes, sir.**  
 3 Q. Yes, ma'am. Within a representative  
 4 timeframe?  
 5 **A. Yes, sir.**  
 6 Q. And I -- I believe that your testimony was --  
 7 let me know if I have this correct -- that previously  
 8 you had informed Lookout Portable that they were okay  
 9 to distribute their product in Tennessee without a  
 10 license or certification?  
 11 **A. Yes.**  
 12 Q. And then that changed; is that right?  
 13 **A. Yes.**  
 14 Q. Why did it change?  
 15 **A. They came before the Board again for the**  
 16 **second time and brought their information in and the**  
 17 **Board decided that it was -- they needed to have a**  
 18 **license.**  
 19 Q. Isn't it true that there was a complaint from  
 20 a competitor that prompted that?  
 21 **A. Yes.**  
 22 Q. And did the competitor relate to you any new  
 23 information indicating that this product was, in  
 24 fact, an alarm system?  
 25 **A. To me, no.**

1 deposition. May I hand this to the witness?  
 2 ADMINISTRATIVE JUDGE: Yes, you may.  
 3 MR. BOUCEK: And we're not gonna go  
 4 through this. I want it in the record so I don't  
 5 need to hand a copy out to this Board. I'm sure they  
 6 don't want to see the stack of papers if they don't  
 7 have to. But if anybody wants a copy, if you'd only  
 8 let me know. May we move to enter this into evidence  
 9 at this time?  
 10 ADMINISTRATIVE JUDGE: Yes, you may.  
 11 It'll just be marked as Exhibit Number 9, I believe.  
 12 Is that correct? Yes. And that'll be Ms. Vest's  
 13 deposition.  
 14 (WHEREUPON, the above-mentioned document  
 15 was marked as Exhibit Number 9.)  
 16 BY MR. BOUCEK:  
 17 Q. The only point I want to talk about from the  
 18 deposition is we did talk about a company called  
 19 Lookout Portable at your deposition. Do you recall  
 20 this?  
 21 **A. Yes, sir.**  
 22 Q. You -- you testified, as I recall, that the  
 23 only other company that you can think of that had  
 24 ever petitioned for clarification as to whether or  
 25 not where the alarm system was Lookout Portable; is

1 Q. Are you aware of any information that was  
 2 related that -- that brought new information to light  
 3 that affected whether or not that was an alarm  
 4 system?  
 5 **A. Other than the complaint, the information**  
 6 **that was provided, no.**  
 7 Q. And the complaint that was submitted by  
 8 Lookout Portable, it was sheerly for unlicensed  
 9 activity, isn't that right?  
 10 **A. Well, they didn't send a complaint in --**  
 11 Q. What did they do?  
 12 **A. -- on themselves.**  
 13 Q. Please tell me what they did.  
 14 **A. Well, the complaint was filed against**  
 15 **Lookout.**  
 16 Q. Right, right, that's what I'm saying, the --  
 17 the competitor that filed --  
 18 **A. Okay.**  
 19 Q. -- that complaint, the complaint that the  
 20 competitor registered was sheerly for unlicensed  
 21 activity, isn't that right?  
 22 **A. Yes.**  
 23 Q. They did not relate that Lookout Portable had  
 24 done something that affected -- they weren't doing  
 25 faulty wiring affecting -- starting fires or anything



1 like that; is that right, there was no safety  
 2 complaint?  
 3 **A. Well, you say no safety complaint, let --**  
 4 **give me just a moment --**  
 5 Q. Sure.  
 6 **A. -- go back and -- but -- but the complaint,**  
 7 **it was filed because they were putting in a system**  
 8 **without a license --**  
 9 Q. Right.  
 10 **A. -- if I'm correct.**  
 11 Q. That's the substance of the complaint?  
 12 **A. Yes, sir.**  
 13 Q. You also previously answered in one of your  
 14 interrogatories that you will not address  
 15 Constitutional questions. Do you recall that answer?  
 16 **A. Yes.**  
 17 Q. Okay. The next thing I wanted to do -- we  
 18 have the deposition entered -- I want to hand you  
 19 what's been marked as Exhibit 10.  
 20 MR. BOUCEK: May I approach the witness?  
 21 ADMINISTRATIVE JUDGE: Yes, you may.  
 22 BY MR. BOUCEK:  
 23 Q. Do you recognize that item?  
 24 **A. Yes, sir.**  
 25 Q. What is that item?

1 **natural resources.**  
 2 Q. And you're familiar with the letter in  
 3 question that's been entered as Exhibit 10?  
 4 **A. Yes, sir.**  
 5 Q. And in it, he mentions something called the  
 6 Right to a Earn Living Act. Are you familiar with  
 7 the Right to a Earn Living Act?  
 8 **A. Yes, sir.**  
 9 MR. BOUCEK: Your Honor, at this point in  
 10 time, I'll ask to approach the witness again and hand  
 11 her what we've marked as Exhibit 11.  
 12 ADMINISTRATIVE JUDGE: Go ahead. You may  
 13 approach.  
 14 BY MR. BOUCEK:  
 15 Q. Is that the Right to Earn a Living Act?  
 16 **A. (Reviews document.) Yes, sir.**  
 17 MR. BOUCEK: We'd move to enter that as  
 18 Exhibit 11.  
 19 ADMINISTRATIVE JUDGE: It's marked as  
 20 Exhibit 11.  
 21 (WHEREUPON, the above-mentioned document  
 22 was marked as Exhibit Number 11.)  
 23 BY MR. BOUCEK:  
 24 Q. Now, returning to Senator Bell's letter,  
 25 what --

1 **A. This is a letter sent to us on -- sent to the**  
 2 **Board on August the 24th of 2018 from Senator Mike**  
 3 **Bell.**  
 4 Q. Is that an accurate copy of the letter?  
 5 **A. Yes.**  
 6 MR. BOUCEK: We'll move to enter it into  
 7 evidence.  
 8 ADMINISTRATIVE JUDGE: Okay. The letter  
 9 from Senator Bell will be marked as Exhibit 10.  
 10 (WHEREUPON, the above-mentioned document  
 11 was marked as Exhibit Number 10.)  
 12 MR. BOUCEK: And can we please hand out  
 13 copies to the Board?  
 14 ADMINISTRATIVE JUDGE: Yes, you may.  
 15 MR. BOUCEK: Thank you.  
 16 BY MR. BOUCEK:  
 17 Q. All right. Now, are you familiar with who  
 18 Senator Mike Bell is?  
 19 **A. Yes. Yes, sir.**  
 20 Q. What is -- who is he?  
 21 **A. He's a senator, Mike Bell.**  
 22 Q. Do you know what -- what committees or the  
 23 chairmanships he holds?  
 24 **A. Says here that he's a chairman of government**  
 25 **operations judicial energy or ag- -- agricultural and**

1 ADMINISTRATIVE JUDGE: Excuse me. Do you  
 2 want to hand to the Board Members also --  
 3 MR. BOUCEK: Oh, excuse me. I'm sorry.  
 4 Thank you, Your Honor.  
 5 ADMINISTRATIVE JUDGE: That's fine.  
 6 BY MR. BOUCEK:  
 7 Q. Now, we'll reference the Right to Earn a  
 8 Living Act here more particularly as I wrap up. But  
 9 the -- what is the sum and substance of the letter  
 10 that Senator Bell has written to Commissioner Julie  
 11 McPeaks (sic)?  
 12 **A. Well, what he's saying and he's writing here**  
 13 **is saying he was tasked with the implication of the**  
 14 **Right to Earn a Living Act and he's asking the --**  
 15 **Julie McPeak -- and it's -- I got -- received a copy**  
 16 **and Vivian Hixson, the Chair, received a copy for us**  
 17 **to consider whether Mr. Jackson's product is an alarm**  
 18 **system.**  
 19 Q. And he is urging you to construe your powers  
 20 narrowly in that letter as to be consistent with the  
 21 Right to Earn a Living Act; is that fair?  
 22 **A. Yes, sir.**  
 23 Q. Taking a brief look at the Right to Earn a  
 24 Living Act, do you see that first sentence there that  
 25 begins whereas the right of individuals?

1 **A. Yes, I do.**  
 2 Q. Can you read that sentence into the record?  
 3 **A. Whereas, the right of individuals to pursue a**  
 4 **chosen business or profession free from arbitrary or**  
 5 **excessive government interference in (sic) a**  
 6 **fundamental civil right.**  
 7 Q. Is a fundamental civil right?  
 8 **A. Yes. Excuse me. Is a fundamental civil**  
 9 **right and.**  
 10 Q. And then I want you to -- can you also please  
 11 read the last whereas paragraph into the record as  
 12 well?  
 13 **A. Whereas, it is in the public's interest to**  
 14 **ensure the right of all individuals to pursue**  
 15 **legitimate entrepreneurialism and professional**  
 16 **opportunities to the limits of their talent and**  
 17 **ambition. To provide the means for the**  
 18 **ventilation (sic) of this right as to ensure that**  
 19 **regulations of entry into businesses, professions,**  
 20 **and occupations are demonstrably necessary -- ssary**  
 21 **and narrowly tailored to legitimate health, safety,**  
 22 **and were -- welfare objections now therefore.**  
 23 Q. All right. And returning to Exhibit 10,  
 24 Senator Bell states that the purpose of the law was  
 25 to make sure that no one in Tennessee had his or her

1 Q. Was it -- was it a panic button?  
 2 **A. Yes.**  
 3 Q. Okay. So in your opinion, does Lookout's  
 4 product have any similarity to Edge AI's product?  
 5 MR. BOUCEK: Your Honor, I don't think  
 6 she's been qualified to give an opinion. She's a lay  
 7 witness at this point in time.  
 8 ADMINISTRATIVE JUDGE: I'm gonna go ahead  
 9 and let her testify as far as her knowledge of the --  
 10 of the case. I don't think she investigated the  
 11 case. So I'm gonna let her testify that the --  
 12 regarding there's further technical aspects of the  
 13 panic button versus the one that Mr. Jackson's  
 14 product is here, I don't -- she can't testify about  
 15 that. But as far as the -- her investigation into  
 16 the case, that's fine. So I'm gonna overrule the  
 17 objection.  
 18 **THE WITNESS: I'm -- I'm sorry, you're**  
 19 **gonna have to ask me again.**  
 20 BY MR. HUFFMAN:  
 21 Q. Okay. So --  
 22 **A. Discuss --**  
 23 Q. -- do you believe that -- that Lookout's --  
 24 Lookout's product is any similar to Edge AI's  
 25 product?

1 right to earn a living barred by a licensure  
 2 requirement unless it was absolutely necessary to  
 3 protect the public. Did I read that correctly?  
 4 **A. Yes, sir.**  
 5 Q. And it goes on to provide that when  
 6 considering whether Mr. Jackson's product is an  
 7 alarm, I would urge you to avoid unnecessarily  
 8 expanding the reach of the statute and to construe  
 9 statutory definitions narrowly. Did I read that  
 10 correctly?  
 11 **A. Yes, sir.**  
 12 MR. BOUCEK: One second, Your Honor.  
 13 ADMINISTRATIVE JUDGE: Sure.  
 14 MR. BOUCEK: No further questions.  
 15 ADMINISTRATIVE JUDGE: Thank you.  
 16 Mr. Huffman.  
 17 MR. HUFFMAN: One second.  
 18 ADMINISTRATIVE JUDGE: Sure.  
 19  
 20 CROSS-EXAMINATION  
 21 QUESTIONS BY MR. HUFFMAN:  
 22 Q. Ms. Vest, do you recall what Lookout was  
 23 about, like what product that was?  
 24 **A. No. You'd have to refresh my memory on**  
 25 **exactly what it was, yes.**

1 **A. I didn't see any similarity.**  
 2 Q. All right. Thank you.  
 3 ADMINISTRATIVE JUDGE: Do the Board  
 4 Members have any questions for Ms. Vest?  
 5 MR. COCKROFT: Just a -- a couple. On  
 6 the -- and what was the -- the other one called,  
 7 Lookout? Was there any remote monitoring or off-site  
 8 monitoring and anything involved in that one?  
 9 **THE WITNESS: Not that I remember, no,**  
 10 **sir.**  
 11 MR. COCKROFT: So there -- well -- and on  
 12 this -- the public chapter that was introduced, I  
 13 guess Exhibit 11, where it starts at 4-5-501, it's  
 14 referencing rules and policies there, right?  
 15 **THE WITNESS: Yes, sir.**  
 16 MR. COCKROFT: It doesn't say anything  
 17 about ignoring laws, right? It -- it's saying as far  
 18 as any rules or policies that the Board were to make  
 19 that we should try to, you know, to make it an easy  
 20 entry or -- for someone, but it doesn't say anything  
 21 about ignoring laws, right?  
 22 **THE WITNESS: I don't see that in this,**  
 23 **no, sir.**  
 24 MR. COCKROFT: Okay. Thank you.  
 25 CHAIRPERSON HIXSON: Earlier Mr. Jackson

1 cited, I think it was, no less than \$1,000 and not  
2 more than \$5,000 per occurrence for civil penalties,  
3 and then he also cited, I think, a one- to six-month  
4 jail time. Does this Board have the authority to  
5 issue any type of criminal sanctions?

6 **THE WITNESS: This -- if there is a**  
7 **violation between -- and it defines 1,000 to 5,000,**  
8 **then it's classified as a B misdemeanor. My answer's**  
9 **gonna be, no, the Board does not --**

10 CHAIRPERSON HIXSON: We have  
11 administrative only --

12 **THE WITNESS: Only --**

13 CHAIRPERSON HIXSON: -- based on -- and  
14 the cases that we hear are totally anonymous and we  
15 have no prior for- -- knowledge or involvement in  
16 those; is that correct?

17 **THE WITNESS: Everything is presented to**  
18 **the Board anonymously, correct.**

19 CHAIRPERSON HIXSON: Okay. I have no  
20 questions.

21 Do y'all?

22 ADMINISTRATIVE JUDGE: Any other  
23 questions by anybody?

24 (No response.)

25 ADMINISTRATIVE JUDGE: Okay. Any

1 redirect, Mr. Boucek?

2 MR. BOUCEK: Very brief -- briefly.

### 3 REDIRECT EXAMINATION

#### 4 QUESTIONS BY MR. BOUCEK:

6 Q. Ms. Vest, you were asked about whether or not  
7 you have the power to ignore the law. Do you recall  
8 that question?

9 **A. I don't know if it was worded exactly like**  
10 **that.**

11 Q. I -- I may be -- I may be overly  
12 generalizing, but you're familiar with the line of  
13 questioning --

14 **A. Yes, sir --**

15 Q. -- which I'm talking --

16 **A. -- the question, yes.**

17 Q. I -- I just want to clarify. Pull out  
18 Exhibit 10, that's the letter from Senator Bell.  
19 Turning towards the last two sentences, he's urging  
20 you to avoid unnecessarily expanding the reach of the  
21 statute and to construe statutory definitions  
22 narrowly as embodying the intent -- intent in the  
23 passage of the Right to Earn a Living Act, is that  
24 what he is saying?

25 **A. That's what it reads, yes, sir.**

1 Q. Turning just briefly, there was a comment  
2 about criminal sanctions. It's true that the Board  
3 does not have the power to level criminal sanctions,  
4 that -- did I understand you correctly --

5 **A. Yes.**

6 Q. -- when you testified to that?

7 But isn't it also true that unlicensed  
8 activity is a Class B misdemeanor?

9 **A. Yes.**

10 Q. And that is a punishment that Mr. Jackson  
11 would face, whether or not it comes from this Board  
12 or anybody else, were he to practice without a  
13 license if this was construed to be an alarm system?

14 **A. Yes.**

15 Q. Thank you.

16 ADMINISTRATIVE JUDGE: Mr. Huff --  
17 Huffman, any kind of recross?

18 MR. HUFFMAN: No, Your Honor.

19 ADMINISTRATIVE JUDGE: Anything else from  
20 the Board for this witness?

21 (No response.)

22 ADMINISTRATIVE JUDGE: Thank you, Ms.  
23 Vest.

24 Any other witnesses?

25 MR. BOUCEK: Your Honor, we have no

1 further witnesses at this time. I do want to offer  
2 in a transcript of our telephone hearing earlier.  
3 It's a self-authenticating document transcribed by a  
4 court reporter. We have this marked as Exhibit 12  
5 for --

6 ADMINISTRATIVE JUDGE: It'd be entered as  
7 Exhibit 12 then.

8 (WHEREUPON, the above-mentioned document  
9 was marked as Exhibit Number 12.)

10 ADMINISTRATIVE JUDGE: Do you want to  
11 give it to the court reporter?

12 MR. BOUCEK: Sure.

13 ADMINISTRATIVE JUDGE: That'll be -- that  
14 was a pre-hearing transcript.

15 MR. BOUCEK: One second, Your Honor.

16 ADMINISTRATIVE JUDGE: Sure.

17 MR. BOUCEK: And I just want to read  
18 briefly from this transcript with the Court's  
19 permission.

20 ADMINISTRATIVE JUDGE: (Nods head  
21 affirmatively.)

22 MR. BOUCEK: This a statement from Mr.  
23 Huffman: Based on the petition for the declaratory  
24 order at this moment, what the facts are in the  
25 petition would state that it is not an alarm system

1 that would require licensure. If he needs some type  
2 of order or something from the Board, we can get that  
3 for him.

4 Thank you, Your Honor. Your Honor, that  
5 concludes our proof.

6 ADMINISTRATIVE JUDGE: Okay. Thank you.

7 Mr. Huffman, will the Board present any  
8 kind of witnesses or -- or proof at all? I mean,  
9 not -- I'm sorry. The Department.

10 MR. HUFFMAN: The Department is not  
11 presenting any witnesses or proof from us.

12 ADMINISTRATIVE JUDGE: Okay. So I -- I  
13 take it there'll be no rebuttal testimony then?

14 MR. BOUCEK: One second, Your Honor.

15 ADMINISTRATIVE JUDGE: Sure.

16 MR. BOUCEK: I think we're fine, Your  
17 Honor.

18 ADMINISTRATIVE JUDGE: Okay. Thank you.

19 Okay. Before we get to closing arguments  
20 and I charge the Board here, let's go take about a  
21 five-minute recess. Okay.

22 (Short recess.)

23 ADMINISTRATIVE JUDGE: Okay. We're back  
24 on the record in the Adam Jackson matter. We're  
25 gonna do closing arguments.

1 Mr. Boucek, do you have any closing  
2 arguments you wish to make?

3 MR. BOUCEK: With the Court's permission,  
4 I'd love to make brief remarks.

5 ADMINISTRATIVE JUDGE: Sure.

6 MR. BOUCEK: Thank you, Ladies and  
7 Gentlemen, for your time. I know it's not easy to  
8 take time out of the busy schedules to schedule these  
9 things but it is important, and I know Mr. Jackson  
10 appreciates your time and thoughtful consideration as  
11 much as I do.

12 To just jump straight to it, the evidence  
13 here is uncontroverted that Mr. Jackson's system does  
14 not meet Tennessee's definition of an alarm system  
15 such that the application of that definition to his  
16 product would present a clearcut case of the Board  
17 exceeding its statutorily-designated authority;  
18 regulatory mismatch, in other words.

19 The proof came in three forms. We first  
20 heard from Mr. Jackson. Mr. Jackson described to you  
21 his product. It is a simple software solution that  
22 works through an existing closed-circuit TV. Mr.  
23 Jackson's system is no more than a common software  
24 upgrade.

25 We also heard the testimony of our -- our

1 expert, John Cerasuolo, whose testimony was also  
2 uncontroverted. He testified in great depth about  
3 his familiarity of the process. And he testified  
4 that there was absolutely no reason why this met any  
5 of the definitions of an alarm system's law.

6 I want to talk just briefly in a second  
7 about those definitions. Remember the term I told  
8 you when I began, statutory elements. So the  
9 question before the Board is going to be do -- does  
10 Mr. Jackson's product fit the statutory elements of  
11 an alarm system. It's inconsequential whether or not  
12 Mr. Jackson's system resembles an alarm system or  
13 whether Mr. Jackson's business day to day in some way  
14 resembles the business day to day of an alarm system.

15 The Board is bound by the specific  
16 statutory definitions. And the Board, as I will  
17 discuss momentarily here, should be adopting the most  
18 narrow construction of those definitions as possible.

19 In short, the evidence here has shown not  
20 only that Mr. Jackson does not have an alarm system  
21 but we actually heard two additional things; that  
22 there's no reason whatsoever to require a license or  
23 a certification of Mr. Jackson because his product  
24 has no tendency whatsoever to implicate any public  
25 interest. Now, we know -- we have a general sense as

1 to why the alarm law exists. If you have faulty  
2 electrical wiring, it can pose fire hazards, it's  
3 very clear to see why there's a public interest  
4 involved in that.

5 Here we are talking about plugging in an  
6 ethernet cable. It -- there's every bit of public  
7 interest here that there is in requiring cable  
8 installers or electronics equipment installers to  
9 have a license. There is no public interest here.  
10 And, thus, there is -- this is not something that the  
11 Board should wish to impose on Mr. Jackson.

12 The other thing that we heard based on  
13 the collective testimony is that the training,  
14 testing, and coursework that we require of qualified  
15 agents in this state would not do anything to make  
16 Mr. Jackson's product better or more effective.  
17 Because he needs five years of experience because he  
18 doesn't have a high school (sic) degree, what the  
19 effect of that would require is him doing five years  
20 of stuff that in no way resembles his product. And  
21 throughout that five years, he would come out of it  
22 and he wouldn't be any better to do what it is he  
23 wishes to do. It is, in other words, a completely  
24 pointless chore.

25 Now, I'm sensitive to the consideration

1 that Mr. Jackson's experience may perhaps give him  
2 the ability to waive in. But that's not the only  
3 burden that comes from falling under the Board's  
4 authority. Mr. Jackson would have to run an alarm  
5 system company. He will be subject to the Board's  
6 authority for all of the regulations which really  
7 have nothing to do with his product. It would also  
8 subject him to the costs of making an application and  
9 all the other retendant (sp) costs that come from  
10 Board compliance. So the experience level is only  
11 one concern but it is not the only concern.

12 As a final matter in closing, you should  
13 consider your powers to be very narrow. I want to  
14 point out that as you heard -- you got -- there was a  
15 letter directed to the Commissioner from the Chairman  
16 of the Government Ops committee, Mr. Mike Bell. And  
17 he made reference to Tennessee's recent enactment of  
18 the Right to Earn a Living Act. The Right to Earn a  
19 Living Act was a recent legislative attempt to  
20 reaffirm what should be obvious. One of the most  
21 important civil rights that all of us, including Mr.  
22 Jackson, enjoy is the right to earn an honest living.  
23 And, therefore, it was in the public interest that we  
24 not burden that right unless it is demonstrably  
25 necessary.

1 And the proof has shown overwhelmingly  
2 that -- forget about whether or not this is or is not  
3 an alarm system -- that his product in no way burdens  
4 public health, safety, or welfare. And furthermore,  
5 there was another clause in the legislation as well  
6 that says that we should not require a license unless  
7 it was demonstrably necessary and the least  
8 burdensome needs of installing quality.

9 Look, there are far more -- less  
10 burdensome ways to ensure quality out of Mr.  
11 Jackson's product. The market will sort it out. He  
12 could be subject to bad Yelp reviews. This is a man  
13 that could have a voluntary testing and training  
14 regime. There could be bonding requirements. All of  
15 these are things that are less restrictive than out  
16 and out a mandatory licensure that could ensure any  
17 consumer concern that there might possibly be.

18 In short, there is no reason for a  
19 licensed regime to be imposed on Mrs. -- on Mr.  
20 Jackson. To quote the letter, the purpose of this  
21 law was to make sure that no one in Tennessee had his  
22 right to earn a living barred from by a license  
23 requirement unless it was absolutely necessary to  
24 protect the public. When considering whether Mr.  
25 Jackson's product is an alarm, I would urge you to

1 avoid unnecessarily expanding the reach of the  
2 statute and to construe those definitions narrowly.  
3 **A narrow construction of these statutes easily leads**  
4 **to only one conclusion, this is not an alarm system.**

5 To the -- return to those definitions,  
6 there's three ways to be an alarm. The first one is  
7 it has to be designed to record, monitor, and protect  
8 against personal property loss or injury. It's not  
9 designed to do that. It's not designed to do  
10 anything other than provide instant information to a  
11 user who will in the end make a decision about how to  
12 apply that. But it is not personal or property loss  
13 because the applications are endless. It's not  
14 limited to that. An end user makes a determination  
15 when to use it.

16 Furthermore, the second element, it has  
17 to be personal property loss or injury resulting from  
18 fire, smoke, heat, burglary, theft, pilferage or  
19 other losses of that type. There's no evidence  
20 whatsoever that Mr. Jackson's product relates to  
21 fire, smoke, heat, burglary, theft, shoplifting,  
22 pilferage. I mean, the -- the common applications  
23 that we've heard are like mass shootings and denying  
24 entry to sex predators. That is not fire, smoke,  
25 heat, entry, burglary, theft, shoplifting, pilferage

1 or other losses of that type.

2 Nor would it meet the second definition:  
3 Monitor, protect, or to prevent intrusions. An  
4 intrusion means an entry designed to effectuate an  
5 unlawful act. And here, again, there's no  
6 representation that this is an unlawful act. It just  
7 tells you that there is a person on the premises.  
8 Now, if this definition stated that an alarm system  
9 is something designed to provide notice of entry,  
10 then that would be something that would make his  
11 product an alarm system. But because the product  
12 makes no representation that this is an unlawful  
13 entry -- Mr. Jackson even told you -- this might  
14 actually be a sex offender, but it is up to the end  
15 user to make that determination. But even if it is a  
16 sex offender, that sex offender might have a  
17 legitimate reason to be on the premises so there is  
18 no representation that this is or is not an unlawful  
19 entry.

20 Finally, the third definition is whether  
21 or not it detects or summon aids in other  
22 emergencies. Detect means to discover the -- discover  
23 the true character of or existence or presence or a  
24 fact of. Summon means to order someone to come, and  
25 neither of that is here. This is not a system that



1 provides notice to police or fire telling them that  
2 there is an emergency on the scene. It isn't even a  
3 system designed to provide notice to a homeowner that  
4 they have had a hit consistent with fire or unlawful  
5 entry. It is simply information.

6 I would submit to you that what we have  
7 here is no different than a wanted poster. And if we  
8 had a wanted poster in a post office and someone sat  
9 there and watched people come in and said that person  
10 looks like that person, I'm gonna go tell the  
11 principal, that is no more of an alarm system than  
12 what this is. This is just a 21st century version of  
13 that but it is not an alarm system.

14 I also want to draw the Board's attention  
15 to the final exhibit we entered which was the  
16 statement. And again, this is a statement that comes  
17 from Mr. Huffman: Based on the petition for the  
18 declaratory order, what the facts are in the petition  
19 would state that it is not an alarm system and would  
20 not require licensure. And this Board has the  
21 ability to consider that too when arriving at its  
22 determinations.

23 In -- in conclusion, Ladies and Gentlemen  
24 of the Board, this is a good soldier. This is a  
25 person who fought for his country. This is a person

1 who defended his country. And he came home and he  
2 just wanted his slice of the American dream. And I  
3 think that we should give it to him. Doing so would  
4 be consistent with the purposes of the Right to Earn  
5 a Living Act. And I thank you for your time here  
6 today.

7 ADMINISTRATIVE JUDGE: Thank you.

8 Mr. Huffman, do you wish to make any  
9 closing statement at this time? I know you didn't  
10 put in no proof but do you want to make a closing?

11 MR. HUFFMAN: Yes, Your Honor.

12 ADMINISTRATIVE JUDGE: Go ahead.

13 MR. HUFFMAN: Well, at first, I really  
14 didn't have a closing. But you've heard this last  
15 statement that was entered into the record that I --  
16 that I said on a telephone conference. I want to  
17 make something clear that it's out of context because  
18 of the 30-minute conversation. There's also  
19 pre-settlement -- or pre-hearing settlement re- --  
20 negotiations. But you also heard today that the  
21 Judge said anything that was said before today is  
22 irrelevant. It doesn't matter what Ms. Thomas says.  
23 It doesn't matter what I say. Those are just  
24 opinions based on what is presented to us. So today,  
25 you've heard the proof that's been presented to you

1 and now it's just time for you to make your decision.  
2 Thank you.

3 ADMINISTRATIVE JUDGE: Okay. Thank you.  
4 Before I charge the Board, I -- I need to address, I  
5 guess, Mr. Boucek's motion that he made regarding  
6 a -- special instructions to the Board here.

7 Mr. Boucek, I'm gonna go ahead -- I've --  
8 I've had a chance to review that brief. Like I said,  
9 you know, of course, I can't really get into detail.  
10 But I'm -- I'm gonna -- I'm gonna go ahead -- go  
11 ahead and deny the motion on the record here so that  
12 it preserves your right to appeal this later on if  
13 that's what you choose to do, okay?

14 So I hope -- so I'm not gonna limiting  
15 your regular rights in any way or Mr. Jackson's  
16 rights depending on what the Board does here. So --  
17 but I think my -- my instructions I will give to the  
18 Board will be -- will be adequate and will address  
19 the -- the concerns you may have. I hope they do in  
20 anyway. But, obviously, if they do not, your -- your  
21 right to appeal has been preserved in this matter.  
22 Okay?

23 MR. BOUCEK: Thank you, Your Honor.

24 ADMINISTRATIVE JUDGE: Okay. I will now  
25 charge the Board. The Board has heard the proof in

1 this matter of Adam Jackson doing business as Edge A-  
2 -- AI. It is now my duty to charge you as to -- to  
3 the law you must follow in reaching your decision.

4 You are the exclusive judges of facts in  
5 this case. You also are the exclusive judges of the  
6 law; specifically your statutes, rules, and  
7 regulations and their application to this case. You  
8 should apply the law to the facts in deciding the --  
9 this case under the directions of my charge. You  
10 exclusively have the authority to make findings of  
11 facts and reach conclusions of law in this matter.

12 No one else can participate in your  
13 deliberations. However, if you find that you need to  
14 have the law or legal terminology explained to you, I  
15 can assist you.

16 The respondent here today has asked for a  
17 declaratory order deeming that his product is not  
18 subject to licensure by this board. It is his  
19 burden, the respondent's burden, to prove these  
20 allegations by a preponderance of the evidence. Do  
21 not confuse this then with the higher standard of  
22 beyond a reasonable doubt used in criminal court  
23 proceedings. A preponderance of the evidence means  
24 that the greater weight of the evidence or that  
25 the -- or that there is sufficient proved information

1 to cause you to believe that the respondent's  
2 allegations provide a more probable conclusion based  
3 upon all the evidence presented at this hearing.

4 You must limit your inquiry to what has  
5 been given -- provided to you today and the evidence  
6 and the testimony. The evidence consists of the  
7 testimony given by the witnesses during this hearing  
8 and the exhibits introduced into evidence which you  
9 may review during your deliberations and any facts  
10 which you may have -- stipulated by the parties.

11 The statements and arguments by the  
12 attorneys in this case and documents attached to the  
13 record such as the -- well, there is no technical  
14 record so we can skip that part of it. I'm sorry.  
15 You may use these arguments and documents to assist  
16 you in making your findings of facts and conclusions  
17 of law, but you should do so all after careful  
18 consideration and determination that they accurately  
19 reflect your own independent recollection of the  
20 evidence and your own conclusions from the evidence.

21 With regard to expert testimony, usually  
22 witnesses are not permitted to testify as to opinions  
23 or conclusions. However, a witness who has some  
24 specific, technical, or other specialized knowledge,  
25 skill, experience, training, or education may be

1 permitted to give testimony in the form of an  
2 opinion. Those witnesses are often referred to as  
3 expert witnesses. You should determine the weight  
4 that -- that should be given to each expert's opinion  
5 and resolve conflicts in the testimony of different  
6 expert witnesses which was not on this matter.

7 You should consider the education,  
8 qualifications, and experience of the witness, the  
9 credibility of the witness, the facts relied upon by  
10 the witness to support the opinions, and the  
11 reasoning used by the witness to arrive at that --  
12 their opinion. You should consider each expert  
13 opinion and give it the weight, if any, that you  
14 think it deserves. You are not required to accept  
15 the opinion of any expert.

16 In your order, you must articulate the  
17 standard of care applicable to this case. With  
18 regard to hypothetical questions given to the expert  
19 witness, an expert witness who was -- was asked to  
20 assume that certain facts were true and to give an  
21 opinion based upon that assumption, this is called a  
22 hypothetical question. You must determine if any  
23 fact assumed by the witness has not been established  
24 by the evidence and the effect of that omission, if  
25 any, upon the value of the opinion.

1 Although, you may only consider the  
2 competent evidence presented during this hearing in  
3 make your decisions, this does not mean you are  
4 required to set aside your common knowledge and  
5 expertise in the field of alarm systems. You may --  
6 in fact, should weigh the evidence in light of your  
7 training and your own observations and experience.

8 As mentioned earlier, the State has the  
9 burden of proof in this matter -- I mean, excuse me,  
10 the respondent has the burden of proof in this  
11 matter.

12 The Administrative Procedures Act  
13 specifically requires your -- your order to contain  
14 four sections: One, findings of facts; two,  
15 conclusions of law; three, a decision regarding any  
16 act should be taken; and, four, the policy reasons  
17 for your decision and determination.

18 CHAIRPERSON HIXSON: What was the fourth  
19 one, sir?

20 ADMINISTRATIVE JUDGE: Policy reasons.  
21 And I'll go into that in more detail just a minute --  
22 just a moment here.

23 In making findings and facts, you must  
24 make your own evaluation of the testimony given by  
25 each of the witnesses and any documentary evidence

1 admitted. You must then give that testimony or other  
2 evidence the weight and credibility that you deem it  
3 proper. You may weigh the evidence in light of your  
4 training and expertise.

5 Once you have made your findings of  
6 facts, you must decide if the -- if the -- excuse me  
7 -- respondent's product meets the definition or not  
8 of an alarm system. Your decision must include  
9 sufficient analysis of the evidence to conclude and  
10 demonstrate how you arrived at this decision.

11 Your conclusions of law should make  
12 appropriate, specific references to your findings of  
13 facts to articulate linkages and connections to the  
14 two sections of your final order.

15 And finally, a policy reason must  
16 accompany your determination to state why the  
17 decision you've reached is -- the situation's  
18 appropriate.

19 Your deliberations must be audible in  
20 public before all parties. If you need assistance  
21 with the law or construction of your order, I will be  
22 available to assist you. It is inappropriate for the  
23 parties, or their counsel, or witnesses, or the Board  
24 staff to participate in your deliberations. Any  
25 action taken by the Board must pass by a majority

1 vote of the panel. For this -- today's actions,  
 2 it'll take three of you to pass anything or to take  
 3 any action.  
 4 Okay. Does any party have any proposed  
 5 findings of facts they wish to present to the Board?  
 6 MR. BOUCEK: I did prepare some late last  
 7 night, Your Honor.  
 8 ADMINISTRATIVE JUDGE: Yes.  
 9 MR. BOUCEK: I need to sign these.  
 10 ADMINISTRATIVE JUDGE: Sure. While  
 11 you're doing that, I'm gonna -- let me read this  
 12 here. In just a moment, responsive (sic) counsel  
 13 will distribute the proposed findings of facts and  
 14 conclusions. You may consider these as you make your  
 15 determination. Please remember you are not bound by  
 16 the party's proposed findings and conclusions.  
 17 Instead, these are only submitted as a guide- --  
 18 guideline as to what counsel thinks the proof has  
 19 shown. It is up to you to determine what has  
 20 actually been proven.  
 21 Okay.  
 22 MR. BOUCEK: Your Honor, I provide these  
 23 to you?  
 24 ADMINISTRATIVE JUDGE: You can just  
 25 brought them -- yeah, that's fine. Or if you have an

1 Thank you.  
 2 CHAIRPERSON HIXSON: Thank you.  
 3 Is that the only copy?  
 4 Can we have a -- just a couple of minutes  
 5 to read the findings of fact?  
 6 MR. BOUCEK: Certainly, yes, ma'am.  
 7 CHAIRPERSON HIXSON: We only have the one  
 8 copy.  
 9 Are y'all okay?  
 10 MR. RICHARD: No, I'm good. I'm good.  
 11 ADMINISTRATIVE JUDGE: Do y'all need  
 12 this? (Passes document.)  
 13 CHAIRPERSON HIXSON: Oh, do you have a  
 14 copy?  
 15 MR. COCKROFT: You just passed me there.  
 16 CHAIRPERSON HIXSON: Did you get through  
 17 this page?  
 18 MR. RICHARD: Yeah, I'm through with it.  
 19 ADMINISTRATIVE JUDGE: Has the Board had  
 20 a chance to read over the proposed findings of facts?  
 21 CHAIRPERSON HIXSON: Yes, sir.  
 22 ADMINISTRATIVE JUDGE: Okay. Well, like  
 23 I -- like I told you -- told you in your charge, your  
 24 deliberations must be done in public and audible  
 25 enough for everyone to hear for the record.

1 extra copy for me, I'll take it. That's fine.  
 2 Mr. Huffman, did you want to see this?  
 3 Did you need a copy also of the --  
 4 Do you have an extra copy, Mr. --  
 5 MR. BOUCEK: I've got my final copy but  
 6 I --  
 7 ADMINISTRATIVE JUDGE: Oh, that's fine.  
 8 MR. BOUCEK: -- I know what it says so  
 9 you can take a look at it.  
 10 ADMINISTRATIVE JUDGE: Well, you -- you  
 11 can have my copy if you need to then, that's fine.  
 12 MR. BOUCEK: Okay. I think I'm fine for  
 13 now but --  
 14 ADMINISTRATIVE JUDGE: Oh, okay.  
 15 MR. BOUCEK: -- I may -- I may take you  
 16 up on it.  
 17 ADMINISTRATIVE JUDGE: Oh, okay. Sure.  
 18 Now, unless there are questions from the  
 19 Board concerning my charge, I will now turn the  
 20 hearing over to the Board Chairperson to preside over  
 21 the deliberations. After that, you will make  
 22 findings of facts, reach conclusions of law, and a  
 23 decision regarding the issue over licensure and give  
 24 your policy reasons for your decision.  
 25 So I turn it over now to the Chairperson.

1 Okay. So I'll turn it over to the  
 2 Chairperson next. Go ahead and make your  
 3 deliberations in public.  
 4 CHAIRPERSON HIXSON: Go ahead. What are  
 5 your feelings on the finding of the facts?  
 6 MR. COCKROFT: Pull your mic down.  
 7 CHAIRPERSON HIXSON: Oh, I'm sorry. In  
 8 general, what are your -- what are your opinions on  
 9 the findings of facts discussion?  
 10 MR. COCKROFT: I -- could we get an  
 11 actual copy of the definition of alarm system of  
 12 the -- I -- I think that was referenced but I don't  
 13 actually have the actual words or verbiage. And do  
 14 you have the...  
 15 CHAIRPERSON HIXSON: (Passes document.)  
 16 ADMINISTRATIVE JUDGE: I have a copy of  
 17 the statute with me here.  
 18 CHAIRPERSON HIXSON: (Inaudible) look at  
 19 some of -- well, I've got it. Hold on -- hold on,  
 20 it's in one of the transcripts.  
 21 ADMINISTRATIVE JUDGE: Let me ask the  
 22 attorneys here, do -- in any of your pleadings, did  
 23 y'all submit a copy of the statute with any of your  
 24 pleadings here?  
 25 MR. BOUCEK: I believe it's in the

1 petition.  
 2 CHAIRPERSON HIXSON: It's in the -- parts  
 3 of it it's in the transcript.  
 4 ADMINISTRATIVE JUDGE: Yeah. I guess,  
 5 you'd probably need the whole thing, though,  
 6 necessarily just parts of it here for you -- if  
 7 that's what y'all need to look at.  
 8 MR. BOUCEK: I have -- I have a print up  
 9 of it too if that will help.  
 10 ADMINISTRATIVE JUDGE: If you've got  
 11 that, let the Board just look at that.  
 12 MR. BOUCEK: I --  
 13 ADMINISTRATIVE JUDGE: Sure. Thank you.  
 14 Mr. Boucek will have a copy of the  
 15 statute. I think Mr. Cockroft requested that. Is  
 16 that correct?  
 17 CHAIRPERSON HIXSON: Well, I have -- he  
 18 has my copy of the state law.  
 19 ADMINISTRATIVE JUDGE: Oh, okay. Oh,  
 20 okay.  
 21 CHAIRPERSON HIXSON: But it's all of it.  
 22 It's not just --  
 23 ADMINISTRATIVE JUDGE: It's all of it.  
 24 Okay.  
 25 CHAIRPERSON HIXSON: -- one particular.

1 But inside the transcripts, the TCA is defined.  
 2 ADMINISTRATIVE JUDGE: Do you want to  
 3 approach and give that to one of the Board, that's  
 4 fine, if you would like to look --  
 5 MR. BOUCEK: And, Ms. Hixson, I have a  
 6 copy. This is Tennessee Code Annotated 62-32-303.  
 7 The definition of alarm system is the very first one  
 8 so.  
 9 CHAIRPERSON HIXSON: I have -- I have my  
 10 copy if y'all want to look at that.  
 11 MR. COCKROFT: Thank you. Very good.  
 12 ADMINISTRATIVE JUDGE: Thank you, Mr.  
 13 Boucek. Thank you.  
 14 MR. BOUCEK: My pleasure.  
 15 THE BOARD: (Reviews document.)  
 16 MR. COCKROFT: My feelings have not  
 17 changed greatly. I mean, my -- my concern is still  
 18 that -- is for the public safety of the general  
 19 public. But it -- the -- the Alarm Contractors Board  
 20 was not set up to prevent fires or other things. It  
 21 is about the -- the people behind it more than  
 22 anything else. It's about making sure that the  
 23 people -- we're not putting a burglar in there or  
 24 we're not putting a sex offender to oversee a system  
 25 for sex offenders. That's nothing about Mr. Jackson.

1 That's -- and -- and I think that's why the -- all  
 2 these people are so quick to say, oh, we -- we have  
 3 no problem doing business with him whether he has a  
 4 license or not, because of him. But who's to say  
 5 that someone else that, you know, goes into business  
 6 is a sex predator and they take their picture out of  
 7 it, or they go in there?  
 8 I -- I do -- to me, it still falls under  
 9 this. I -- I guess, the -- the issue is -- I mean,  
 10 it -- it does monitor. It does summons aid. I -- I  
 11 know that's -- it -- it's -- the person -- it's  
 12 notifying someone that is gonna come to it. That's  
 13 the purpose of it. Whether -- if they don't, that's  
 14 their own fault. You're saying that it -- or that he  
 15 said that it -- he -- they don't have to respond but  
 16 that's its purpose is for someone to respond to it.  
 17 I guess, the -- the problem I have the  
 18 most with is where it's -- is the particular -- the  
 19 types of loss they -- they talked about, whether it's  
 20 per- -- property loss or injury -- or talk about  
 21 personal or property loss. To me, personal loss  
 22 would be a kid getting molested. I mean, that --  
 23 that to me is personal loss. I don't -- I -- maybe  
 24 I'm looking at that wrong.  
 25 MR. FRAKER: Well, my question on this,

1 you know, the big thing I see is he's got a product  
 2 and it's -- it's a dividing line. We've got a  
 3 product and then whether he's actually installing the  
 4 product. You've got -- we've got camera  
 5 manufacturers out there right now that's doing  
 6 analytics and they don't come before us and we use  
 7 their products every day.  
 8 What I'm seeing my dividing line is Mr.  
 9 Jackson's product sounds like an excellent product,  
 10 would be very good for the market. Now, whether if  
 11 he's going out and installing and consulting and all  
 12 of that, now that becomes a licensed product -- or  
 13 person, not -- not the product but the person.  
 14 MR. COCKROFT: Right.  
 15 MR. FRAKER: I think -- that's what I  
 16 see.  
 17 MR. COCKROFT: That -- that's my problem  
 18 too. I think it's a great product. I said that when  
 19 it came up before. I do think it's -- it's needed.  
 20 I don't think this is a huge burden to -- for  
 21 licensure. I do think it comes under it. I -- the  
 22 description of alarm system is weird in this -- in  
 23 this statute but it is to cover CCTV. I mean,  
 24 clearly when it talks about view, monitor, it's  
 25 supposed to be more than just an alarm system. It is



1 weird that that's the -- the description, but I don't  
2 believe CCTV is ever defined anywhere else in the  
3 statute.

4 MR. HARVEY: Well, it's clearly gonna  
5 need some updating to -- to better address newer  
6 equipment. I don't feel like that the -- the  
7 software, itself, that we're looking at, I don't -- I  
8 don't really feel like it -- I mean, it does meet the  
9 criteria of alarm system as just the software in  
10 itself. It's -- it's everything that goes with it.  
11 It's -- once it's installed, what now?

12 Now I've got to work on the camera system of some  
13 sort, I believe. I don't believe it's a simple  
14 plug-and-play. I think it's something that takes  
15 technical background. Granted, that's not clearly  
16 addressed in -- in our law as it sits and -- and  
17 that's -- that's the part that bothers me, I think.  
18 But I don't think that the product, the software,  
19 itself, meets the criteria of just an alarm system.

20 CHAIRPERSON HIXSON: Well, one of the  
21 things is the product that he's offering being  
22 software, there's no limit to just it being for  
23 sexual predators. If he can go in and do a dump from  
24 any criminal justice system on sexual predators,  
25 there's nothing to stop him from getting those on

1 other crime classifications which could then prevent  
2 the loss of life and loss of property depending on  
3 what that person's prior criminal history is.

4 Secondly, if this is not a monitoring  
5 system of every person that walks into a church,  
6 synagogue, school, I don't know what is. And it  
7 also -- the software in itself does facial  
8 recognition and it alerts somebody. Which these  
9 aren't our laws. These are the laws that this Board  
10 is bound to abide by.

11 In the past, and again today, even in  
12 your closing, you know, Mr. Jackson wants to be  
13 involved in the installation or the recommendation of  
14 cameras. That clearly falls under the CCTV  
15 definition under state law TCA 62-32-303. And then  
16 that -- that's my opinion, that, unfortunately, it  
17 does reach into not necessarily a burglar alarm or a  
18 fire alarm but it falls under the CCTV and the  
19 monitoring statutes.

20 MR. COCKROFT: And at one point intrusion  
21 was discussed as to whether or not it was about  
22 intrusion. But it does also -- it -- there's an "or"  
23 in there. B says monitor, detect, or prevent  
24 intrusion, or detect and summon aid for other  
25 emergencies. So even if you throw out intrusion, you

1 still have detect and summon aid for other  
2 emergencies. And if it's not an emergency that a  
3 sexual predator's onsite, even if it -- if they're  
4 legally there, it's still something that a -- an  
5 administrator needs to go see about them, and that's  
6 the purpose of it. That's what they're trying to do.

7 I -- I think the difference, Doug, and  
8 what you were talking about is where a manufacturer  
9 may assist in something. They're not actually  
10 installing the system or in full control of it. And  
11 we -- I believe we had even suggested that that was a  
12 route that he could possibly go but he -- he chose  
13 not to.

14 MR. FRAKER: Yeah.

15 MR. COCKROFT: But there are a lot of  
16 manufacturers that might assist on a job as well like  
17 that.

18 MR. FRAKER: Right. And that's where I  
19 see the big -- you know, if you're gonna make the  
20 product and have XYZ Security install the product,  
21 awesome. But if you're gonna be the one out there  
22 installing the product, now you're talking about  
23 becoming a company --

24 MR. COCKROFT: Right. And it's been said  
25 that was to prevent competition. That's not -- it's

1 not to prevent competition or to keep him from  
2 installing it 'cause he can do that if he wants to  
3 get licensed.

4 MR. FRAKER: Right.

5 MR. COCKROFT: The point is, to make sure  
6 that the people that are installing it aren't  
7 criminals. That's the -- the main purpose of the --

8 MR. FRAKER: I -- I agree with you on  
9 that.

10 MR. COCKROFT: Right. And I would  
11 question -- I think -- what was the -- Mr. Ceran --  
12 I don't know how to pronounce the expert. I do  
13 believe he's an expert in alarm installations and  
14 camera systems, but he, himself, admitted that his  
15 company does not do any sort of camera system  
16 monitoring that has artificial intelligence. And  
17 there are a lot of alarm companies that do.

18 And this is the same as that. It's  
19 very -- it's the same sort of detection. It isn't --  
20 it's facial recognition versus a person recognition  
21 or a car, but there's other artificial intelligence  
22 that is being done in video monitoring. I'm  
23 surprised they're not. It's a bigger company but...

24 CHAIRPERSON HIXSON: Okay. Do you want  
25 to move to conclusions of law, or do you want to go



1 ahead and spell out the finding of facts?  
 2 (No response.)  
 3 CHAIRPERSON HIXSON: Would you prefer us  
 4 to take a vote on the finding of facts --  
 5 ADMINISTRATIVE JUDGE: You'll need to --  
 6 what you'll need to do here, I believe, no matter --  
 7 no matter -- it doesn't matter what order you want to  
 8 go in. If you've already reached on your -- reached  
 9 your decision on what you want to do here, you can go  
 10 ahead and vote on that now and then we can start  
 11 working on the actual order if that's what the  
 12 question we're -- we can go ahead and just go right  
 13 down just findings of facts first. Do you want to do  
 14 that, get that knocked out and then go in order like  
 15 that? It's just up to the Board.  
 16 CHAIRPERSON HIXSON: Does the Board wish  
 17 to take a vote at this time based on our -- or to  
 18 form our decision?  
 19 MR. HARVEY: Let's do your finding of  
 20 facts first and then was it --  
 21 CHAIRPERSON HIXSON: We can -- we've got  
 22 the facts. We need --  
 23 MR. HARVEY: We've got the facts.  
 24 CHAIRPERSON HIXSON: We just need to  
 25 formalize the language in our facts.

1 ADMINISTRATIVE JUDGE: Yes, you can --  
 2 you can go ahead --  
 3 CHAIRPERSON HIXSON: Do you --  
 4 ADMINISTRATIVE JUDGE: -- because I -- I  
 5 guess --  
 6 CHAIRPERSON HIXSON: Do you want that  
 7 done first?  
 8 ADMINISTRATIVE JUDGE: Will the  
 9 Department be drafting this order, or who will be  
 10 drafting this order by the Board?  
 11 MR. HUFFMAN: It'll be the Department --  
 12 it'll be the Department.  
 13 ADMINISTRATIVE JUDGE: Okay. Yeah.  
 14 You'll need to go ahead and start spelling that out  
 15 so they can start working on the or- -- preparing the  
 16 order based on the -- so you'll need to work on your  
 17 findings of facts first, and then, I guess, the --  
 18 they'll be able to go ahead and do this order.  
 19 CHAIRPERSON HIXSON: Okay. I've taken  
 20 notes, and the notes that I've got is that it  
 21 monitors, it provides aid, alerts, and the  
 22 personalized could be construed to the loss of a  
 23 child, but it's not limited to just the sexual  
 24 predator.  
 25 We've talked about TCA 62-32-302 and

1 62-32-303. The first is the purpose of the law. The  
 2 second is the definitions. It was stated that to  
 3 sell the product to a licensed person is okay, but  
 4 for Mr. Jackson to sell to (inaudible) --  
 5 ADMINISTRATIVE JUDGE: Chairperson  
 6 Hixson, you -- you may want to slow down for them to  
 7 help --  
 8 MS. THOMAS: No, no, no, you're fine.  
 9 ADMINISTRATIVE JUDGE: Oh, are they good?  
 10 Okay.  
 11 CHAIRPERSON HIXSON: The entity -- I'm  
 12 sorry.  
 13 ADMINISTRATIVE JUDGE: No, I'm fine.  
 14 Just make sure that.  
 15 CHAIRPERSON HIXSON: -- would require  
 16 licensure. The product, he would be involved in the  
 17 installation and advising on the scene. It would  
 18 view, monitor. If it was just the software, itself,  
 19 which was covered previously, no, but everything else  
 20 that goes with it does come under the state law in  
 21 your opinion.  
 22 I don't know if I -- I don't know if I  
 23 left out anything or not. I tried to take notes from  
 24 each of you as you were -- as you were speaking. So  
 25 we would agree our finding of facts is that his

1 business model does come under the Tennessee Code  
 2 Annotated 62-32-302 and -303 based on the  
 3 aforementioned reasons.  
 4 Scott, you agree?  
 5 MR. COCKROFT: Uh-huh.  
 6 CHAIRPERSON HIXSON: Okay.  
 7 MR. COCKROFT: Yes.  
 8 CHAIRPERSON HIXSON: All right. Our  
 9 finding of facts as follows is TCA 62-32-302, the law  
 10 of purpose. The purpose of this part is to provide  
 11 uniform procedures and qualifications throughout the  
 12 state for the certifying, licensing and regulation of  
 13 alarm systems contractors and to protect the safety  
 14 and security of persons and property by assuring the  
 15 competence of individuals or companies offering alarm  
 16 systems and services to the general public.  
 17 62-32-303 as the part definitions: As  
 18 used in this part, unless the context otherwise  
 19 requires, alarm system means any mechanical,  
 20 electrical, electronic system, or any combination of  
 21 those systems designed to record, view, monitor,  
 22 protect against, avoid, and reduce the probability of  
 23 personal or property loss or injury resulting from  
 24 fire, smoke, heat, burglary, theft, shoplifting,  
 25 pilferage or other losses of that type; mon- -- or to

1 monitor, detect, or prevent intrusion; or to detect  
 2 and summon aid for emergencies. An alarm system's  
 3 contractor means any person, firm, association, or  
 4 corporation that sells or attempts to sell, installs,  
 5 services or monitors alarm signals, signal devices,  
 6 fire alarms, burglar alarms, television cameras or  
 7 still cameras used to detect fire, burglary, breaking  
 8 or entering, intrusions, shoplifting, pilferage or  
 9 theft.

10 And as Mr. Jackson has stated, his system  
 11 is not simply limited to such predators. It could be  
 12 expanded depending on the personal customer's need to  
 13 include other classification of crimes. If he wishes  
 14 to sell his product to a licensed person, the Board  
 15 has no issue with that. If he wishes to be onsite  
 16 selling directly involved in the advising, the  
 17 installation of any type of cameras, then that does  
 18 under our statute require licensing. He has stated  
 19 that he does want to be involved in that part. The  
 20 software, itself, would not be a problem, but  
 21 everything else that goes along with it does require  
 22 licensing.

23 Does that satisfy the finding of facts  
 24 for y'all?

25 MR. BOUCEK: I would ask for further

1 findings of fact if I may be permitted to do so.

2 ADMINISTRATIVE JUDGE: That's sort of  
 3 your -- I'm sorry. You can certainly ask for that.  
 4 But I have to check with the Board because it's up  
 5 for the Board whether or not they want to include  
 6 anything else because that's up to them, but you can  
 7 certainly request that.

8 MR. BOUCEK: Well, we'll be certainly  
 9 seeking -- just in all likelihood of we'll be seeking  
 10 further review of this, I think we want the fullest  
 11 record that we can get.

12 ADMINISTRATIVE JUDGE: It's up to the  
 13 Board. If they want to add anything to that, that's  
 14 fine. It's at their discretion to do that.

15 CHAIRPERSON HIXSON: Do y'all have  
 16 anything else you would like entered into it?

17 MR. HARVEY: (Shakes head negatively.)

18 MR. COCKROFT: (Shakes head negatively.)

19 CHAIRPERSON HIXSON: We don't wish to add  
 20 anything else at this time?

21 MR. BOUCEK: Can I get some clarification  
 22 on some things? I think the -- the -- I have some  
 23 questions about the ruling that I -- the scope of --

24 ADMINISTRATIVE JUDGE: Well, I guess, for  
 25 right now, they're under -- under deliberations and

1 we're not allowed -- you're not allowed to -- to pose  
 2 any questions during deliberations. Okay.

3 MR. BOUCEK: I thought that was the  
 4 ruling.

5 ADMINISTRATIVE JUDGE: No. No.

6 MR. BOUCEK: Okay.

7 ADMINISTRATIVE JUDGE: I'm sorry.

8 CHAIRPERSON HIXSON: We need to vote on  
 9 our ruling. But we are in agreement on the findings  
 10 of facts as read into the -- into the record,  
 11 correct?

12 MR. COCKROFT: Yes.

13 THE BOARD: (Nods head affirmatively.)

14 CHAIRPERSON HIXSON: The conclusions of  
 15 law, I think, has already been included into the  
 16 findings of fact; that would be Tennessee Code  
 17 Annotated 62-32-301, 62-32-302, and 62-32-303, and  
 18 those are the short title, purpose, and the part  
 19 definitions respectively.

20 ADMINISTRATIVE JUDGE: And with regard to  
 21 the Board's actions, you'll need to take a formal  
 22 vote on that.

23 CHAIRPERSON HIXSON: On the decision.

24 ADMINISTRATIVE JUDGE: Your decision,  
 25 yes. And if you could, the parties -- take a roll

1 call vote down the line so every Board Member can be  
 2 voted on, be heard on the record.

3 CHAIRPERSON HIXSON: Okay. Is it the  
 4 decision of this Board that the system proposed by  
 5 Mr. Jackson does come under TCA 62-32-301, -302, and  
 6 -303? If so, vote yes.

7 Mr. Harvey?

8 If not vote, no.

9 MR. HARVEY: No.

10 CHAIRPERSON HIXSON: Mr. Frakes (sic).

11 MR. FRAKER: No.

12 CHAIRPERSON HIXSON: Mr. Cochran --  
 13 Cockroft.

14 MR. COCKROFT: That it does come under  
 15 or --

16 CHAIRPERSON HIXSON: That it does come  
 17 under -- does his -- the product he's selling come  
 18 under the def- -- definition of these.

19 And your vote is no?

20 MR. HARVEY: (Nods head affirmatively.)

21 CHAIRPERSON HIXSON: Your vote is no?

22 MR. FRAKER: (Nods head affirmatively.)

23 MR. COCKROFT: Yes. Yes.

24 MR. RICHARD: No.

25 CHAIRPERSON HIXSON: Yes.

1 So the noes have it 3 to 2, that it does  
 2 not come under licensing.  
 3 ADMINISTRATIVE JUDGE: Okay. Okay. Then  
 4 the policy reason why, basically just a short  
 5 sentence that --  
 6 CHAIRPERSON HIXSON: The Board does not  
 7 feel like it comes under the -- under the definition  
 8 of an alarm systems contractor.  
 9 ADMINISTRATIVE JUDGE: Okay. Okay.  
 10 Thank you for your service here today and your time.  
 11 I should say for your time here.  
 12 Mr. Boucek, based on the Board's decision  
 13 here today, do you wish to withdraw your previous  
 14 motions that you filed for summary judgment and the  
 15 special instructions?  
 16 MR. BOUCEK: Certainly the summary  
 17 judgment motion is moot.  
 18 ADMINISTRATIVE JUDGE: Yes.  
 19 MR. BOUCEK: Let -- may I just have one  
 20 minute to confer?  
 21 ADMINISTRATIVE JUDGE: Sure.  
 22 MR. BOUCEK: Your Honor, we'll withdraw  
 23 the two pending motions at this point in time.  
 24 ADMINISTRATIVE JUDGE: Okay. Thank you.  
 25 Okay. If there's other -- anything

1 further then to take up from the Department.  
 2 MR. HUFFMAN: I don't believe there's  
 3 anything else.  
 4 ADMINISTRATIVE JUDGE: Okay. And, Mr.  
 5 Boucek?  
 6 MR. BOUCEK: No, sir, Your Honor.  
 7 ADMINISTRATIVE JUDGE: Okay. And Members  
 8 of the Board, anything else?  
 9 CHAIRPERSON HIXSON: No, sir.  
 10 ADMINISTRATIVE JUDGE: Okay. Then we're  
 11 adjourned.  
 12 Thank you very much.  
 13 CHAIRPERSON HIXSON: Thank you.  
 14 (WHEREUPON, the foregoing proceedings  
 15 were concluded at 12:39 p.m.)  
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